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Trade in America 10,
OBSERVATIONS

ON THE

ACT OF PARLIAMENT,

COMMONLY CALLED THE

BOSTON PORT-BILL;

WITH

THOUGHTS

ON

CIVIL SOCIETY

AND

STANDING ARMIES.

BY JOSIAH QUINCY, JUNIOR.
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BRITONS *arise!* -----
And shew you have the Virtue to be mov'd. POPE.

NULLA FIDES, pietasq; viris, qui CASTRA sequuntur,
VENALESQUE MANUS: Ibi fas, ubi maxima merces. LUCAN.

What MAN can do against them, *not afraid,*
Though to THE DEATH; against such CRUELITIES
With *inward consolation* recompenc'd:
And oft supported so, *as shall amaze*
Their PROUDEST PERSECUTORS. MILTON.

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14 May 1774



*To the FREEHOLDERS and
YEOMANRY of my Country.*

THE virtue, strength and fortitude
of a state generally reside in the
FREEHOLDERS of the Nation. In you,
Gentlemen, as the LANDED INTEREST
of the Country, do I place my confi-
dence, under GOD, at this Day.

To you, Gentlemen, therefore, I de-
dicate THIS *temporary* WORK, as a testi-
mony of that great respect and warm
affection, with which,

I am,

Your Friend and Countryman,

JOSIAH QUINCY, jun.

Boston, May 14, 1774.

P R E F A C E.

THE Statute of the 14th George 3d, received in the last Ships from London, (entitled " An Act to discontinue, in such Manner, and for such Time as are therein mentioned, the landing and discharging, the lading or shipping of Goods, Wares, Merchandize, at the Town, and within the Harbour of Boston, in the Province of Massachusetts Bay, in North-America,") gave rise to the following OBSERVATIONS:—They will appear thrown together in haste; and as the Writer was out of Town on business, almost every day, the Sheets were printing off, no doubt many Errors of the Press escaped correction.

The Inaccuracies of a sudden Production from one of infirm health, perplexed with various avocations, will receive a mild censure: more material faults, FRIENDS may be prone to forgive; but from Enemies—public or private---we are never to expect indulgence or favor.

JOSIAH QUINCY, jun,

Boston, May 14, 1774.

OBSERVATIONS, &c.

IN times of public calamity, it is the duty of a good citizen *to consider*. If his opportunities or advantages, for knowledge and reflection, are greater than those of mankind in general, his whole duty will remain undischarged, while he confines his thoughts to the compass of his own mind. But if *danger* is added to the *calamity* of the times, he who shall communicate his sentiments on public affairs with decency and *frankness*, merits attention and indulgence, if he may not aspire to approbation and praise.

Whoever attends to the tenor and design of the late act of the British Parliament for the BLOCKADE OF this HARBOUR, and duly considers the extensive confusion and distress this measure must inevitably produce; whoever shall reflect upon the justice, policy and humanity of legislators, who could deliberately give their sanction to such a procedure—must be satisfied, that the man, who shall OPENLY *dare to expose their conduct*, hazards fatal consequences.—Legislators, who could condemn a whole town unheard, nay uncited to answer—who could involve thousands in ruin and misery, without suggestion

of any crime *by them* committed—and who could so construct their law, as that enormous pains and penalties would *inevitably* ensue, NOTWITHSTANDING THE MOST PERFECT OBEDIENCE TO IT'S INJUNCTIONS,—Legislators, thus *formed as MEN*, thus principled as STATESMEN, would undoubtedly imagine the *attainder* and *death* of a private individual, for his public animadversions, a less extraordinary act of power*. But all exertions of duty have their hazard:—If dread of Parliamentary extravagance is to deter from public energies, *the safety of the common wealth will soon be despaired of*; and when once a sentiment of that kind prevails, the excesses of present enormities so rapidly increase, that strides, at first appearance, exorbitant, will soon be found—but *the beginning of evils*. We therefore consider it as a just observation, that the weight and velocity of public oppressions are ever in a ratio proportionate to private despondency and public despair.

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* Since this treatise was advertised in the public papers, as being in the press, the Author hath received, from the British Coffee-house, an anonymous Letter, in which he is represented as being “in eminent hazard of THE LOSS OF LIFE and confiscation of estate:” It is said, that “I shall very probably get into the hands of a *power*, from which no power I can call to, will be able to deliver me.”——There is (says the writer) “but one expedient left to save me:”——“Employ, for GOD’s sake, those rare talents, with which (saith the artful Flatterer) he hath blessed you, in convincing THE PEOPLE that they have *nothing to do, but to SUBMIT*, and make their peace WITH GOVERNMENT:—You may, (continues he) by this means probably make your peace, and ward off the punishment that hangs over your head. It is barely possible, THAT GOVERNMENT may still continue IT’S GREAT LENITY, and overlook your offences.”

The Reader is left to his own Reflections.

He who shall go about to treat of important and *perilous* concerns, and conceals himself behind the curtain of a feigned signature, gives an advantage to his adversaries; who will not fail to stigmatize his thoughts, as the notions of an unknown writer, afraid or ashamed to avow his sentiments; and hence they are deemed unworthy of notice and refutation. Therefore I give to the world both my sentiments and name upon the present occasion, and shall hear with patience him, who will decently refute what is advanced, and shall submit with temper to that correction and chastisement which my errors deserve.

The act now under consideration opens with a recital, that “ dangerous *commotions and insurrections* “ have been fomented and raised in Boston—by divers ill affected persons, to the subversion of his “ Majesty’s Government, and to the utter destruction of the public peace, and good order of the “ said town; in which commotions and insurrections certain valuable cargoes of Teas, being “ *the property of the East-India Company*, and on “ board certain vessels lying within the bay or “ harbour of Boston, were seized and destroyed: “ and in the present condition of said town and “ harbour, the commerce of his Majesty’s subjects “ cannot be safely carried on there, nor the customs “ payable to his Majesty be duly collected.”

Two questions naturally arise out of this preamble: The first, whether *the facts* set forth are *true*; and secondly, whether *upon a supposition of their truth*, they are a sufficient foundation for the subsequent parts of the statute, or will warrant the disabilities, forfeitures, pains and penalties, enacted and inflicted on the subject?—Both inquiries seem intimately

to concern the *honour* and *justice* of the British legislature. And however unimportant the judgment of Americans may now appear to that august body—yet surely the judgment of Europe and future ages, is not unworthy their high consideration. Removed from the eye of royalty, the piety of a Sovereign may cease to pity miseries it doth not behold; remote from the cries of public justice and the efforts of popular despair, Lords and Commons may remain unaffected, for a season, with American convulsions; yet justice and humanity must soon excite those operations in America and Europe, which hereafter will move even the Senate of Britain. True knowledge and real virtue perhaps were never more diffused than on this northern continent; refined humanity ('tis boasted) was never more predominant than in Europe at this day:—Can it be supposed, that this virtue will be discordant and inactive; that this knowledge will omit to unfold public wrongs, or that such humanity will cease to interpose?

That commotions were in Boston—and that East-India tea was destroyed, are facts not controverted. But that such commotions were natural to be expected; that they were such as *statesmen* must have foreseen, and A FATHER OF HIS COUNTRY, who foresaw, would *prevent*, rather than punish, is equally true. The sentiments of all Americans relative to the Tea act are no secret, their fervor in the COMMON CAUSE equally known; and their probable intemperance in consequence of the arrival of India teas, it required no profound skill in men and politics to predict. Nay the British papers were full, and the senate echo'd, with the predictions similar to those which are now fulfilled. It was not difficult for *Englishmen in Britain* to tell how

Englishmen

Englishmen in America would conduct on such occasions. What shall we then say? Shall we impute to those, who are dignified as "the wisest and most august," the barbarous projection—deliberately to ensnare, that they might superlatively punish? The calm deliberation of premeditated malice seems rather more characteristic of a *private* bosom, than a *public body*. But Governor Hutchinson (the representative of his Majesty in this Province) when treating upon an Act of the *Massachusetts Government* imposing a tax or *duty* upon goods of the inhabitants of *other colonies*, hath assured us, that "in all ages and countries, by *bodies* and *communities of men* such deeds have been done, as most of the individuals of which such communities consisted, acting separately, would have been *ashamed of*."* An observation that his Excellency might have imbibed, from that prince of historians, Dr. Robertson. "To abandon *usurped power*, to renounce *lucrative error*, are sacrifices, which the virtue of *individuals* has, on some occasions, offered to TRUTH; but from ANY SOCIETY of *men* no such effort can be expected. *The corruptions of society*, recommended by common utility, and justified by universal practice, are viewed by it's members, *without shame or horror*; and reformation *never* proceeds from themselves, but is *always* FORCED upon them by some FOREIGN hand." † "Cæsar, Lepidus and Antony, says Plutarch, shew, that no beast is more *savage* than man, when possessed of *power equal to his passion*." If the sentiments of Dr. Robertson are just, have we not cause to fear from *very powerful* states and legislators an equal ferocity?

And

* 2 Vol. Mass. Hist. page 156.

† Hist. Scotland, 1 Vol. page 167.

And it is an observation of the illustrious Lord Clarendon, that it is the nature of man, rather to commit two errors than retract one. When elevated characters commit a *second* error, it carries the air of an intended discovery, how little they feel for the *first*, how much they despise *the people*, how much they are above shame, fear and amendment. But to heighten cruelty by wantonness, to render it more pungent by insult, are such exorbitances, as seldom disgrace the records of mankind. But whenever such instances occur, they strikingly verify that eternal truth recorded in the House of Lords—"it is much easier to restrain *liberty* from "running into *licentiousness* than *POWER* from swelling "into *tyranny and oppression*.*" Can it add dignity to this noble sentiment, or weight to this important truth, to say, that among the illustrious personages who subscribed it with their hands and transmitted it to posterity, we find a "Chesterfield" and "Cobham", a "Strafford" and a "Bathurst", a "Haverham" and "Gower?"

But to return. Are popular commotions peculiar to Boston? Hath not every maritime town in England been repeatedly affected by them? Are they not incident to every commercial and populous city?—whence, then, is it, that BOSTON is devoted to such unexampled treatment? But it may be said, Boston, *as a town*, hath aided, abetted, and participated in these tumults. Where is the evidence of it? I presume the Lords and Commons of Great-Britain had none; for they do not *suggest it*: I presume they did not believe it, because they have not *intimated it*. And had they been

* 2 Vol. Lord's Prot. Edit. 1767. p. 141. Anno 1736.

been furnished with such evidence, had they believed the fact, surely it is an imputation unworthy of their dignity, to say, that they would not have given *that matter* in the *preamble* of the statute, as the ground of their extraordinary procedure. But the *records of Boston*, and *known facts*, prove that the inhabitants discountenanced and disavowed all riot and disorder. I am thus warranted in saying, that the *mere occurrences* expressed in the act, is that matter which the British legislature have judged worthy the most unparalleled penal severities. Whether *this judgment* be *right*, is a subject interesting to a citizen of the town to enquire ; it is a subject on which *a man* will speak feelingly ; on which AN ENGLISHMAN will speak *freely and openly*.

Previous to further observations, it may be necessary to say, that the town of Boston had as *a town cautiously and wisely* conducted itself, not only without tumult, but with studied regard to established law. This the rolls of the town verify, and a hundred witnesses can confirm.

At the last town-meeting relative to the East-India tea and it's consignees, it was largely debated, whether it should be an instruction to the committee, who were appointed to wait on those Gentlemen, *to insist* on their *peremptory* answer,—whether *they would send back the Tea* : and after long debate on the question, it passed by a very large majority in the *negative*. And the greatest enemy of the country cannot point out any one step of *the Town of Boston*, in the progress of this matter, that was tumultuous, disorderly and against law. This also is an additional reason, why we must conclude that the *mere temporary events which*
took

took place in Boston, without any *illegal* procedure of the town, in the matter of the tea, is in the judgment of the British Senate an adequate foundation for the last act received from that powerful body.

The first enacting clause of the statute now in view, annihilates all commercial transactions within two certain points of the harbour of Boston, upon pain of the FORFEITURE of “ goods, wares and “ merchandize, and of boat, lighter, ship, vessel, “ or other bottom ;—and of the guns, ammuni- “ tion, tackle, furniture and stores, in or belonging “ to the same :” “ and of any barge, hoy, lighter, “ wherry, or boat into which any goods, &c. are “ laden,” &c.

The next paragraph, “ in case any wharfinger, “ &c. or any of their servants shall take up or land, “ or knowingly *suffer* to be taken up or landed, or “ shall ship off, or *suffer* to be water-borne, at or “ from any of their said wharfs, &c. goods, &c. “ enacts a FORFEITURE and LOSS of such goods, “ &c. and TREBLE the value thereof, to be com- “ puted at the *bigbest* price of such sort of goods, “ &c. together with the vessels and boats, and all “ the horses, cattle, and carriages, whatsoever made “ use of in the shipping, unshipping, landing, re- “ moving, carriage, or conveyance of any of the “ afore said goods,” &c.

The next clause provides, “ that if any ship, &c. “ shall be moored or lie at anchor, or be seen hover- “ ing within said bay, &c. or within one league “ from the said bay, &c. it shall and may be lawful “ for any Admiral, or *commissioned* officer of his “ Majesty’s fleet or ships of war, or for ANY OFFI- “ CER

“ CER OF HIS MAJESTY’S CUSTOMS, to *compel* such
 “ ship or vessel to depart to SOME OTHER port or
 “ harbour, or to SUCH STATION AS THE SAID OF-
 “ FICER SHALL APPOINT, and to use SUCH FORCE
 “ for that purpose as shall be found necessary :
 “ And if such ship or vessel shall not depart ac-
 “ cordingly, WITHIN SIX HOURS *after notice* for
 “ that purpose given by *such person* as aforesaid,
 “ *such ship or vessel, together with all the goods laden*
 “ *on board thereon, and all the guns, ammunition, tackle*
 “ *and furniture shall be forfeited and lost, WHETHER*
 “ BULK SHALL HAVE BEEN BROKEN OR NOT.

Let us here pause for a moment ;— let us give
 time for one single reflection ; let us give space for
 one pulse of the veins—one emotion of the heart.
 And who can think, but those exalted characters—
 and that generous prince, stiled THE FATHER OF
 all HIS PEOPLE—who united in this terrible act, had
 many reflections, many feelings of humanity, while
 they were solemnly consigning thousands—if not
 millions—to *ruin, misery, and desperation* ?

The persons in whom this authority is vested, are
 not confined to the ports or harbours *on this con-*
tinent ; the vessel and cargo may be ordered to what
 harbour, port or station of the whole world, *the*
officer pleases—if he appoint a *continental* station,
 ’tis grace and favour ;—and what may be the price
 of that purchase, who can tell ? what scope for ma-
 lice and ill-will ; for pride and haughtiness ; for
 avarice and power to wanton and insult, till the
 one is satiated, and the other wearied !

Who are the persons to whom such unbounded,
 such enormous power is entrusted ? Power is
 C known

known to be intoxicating in it's nature, and in proportion to it's extent, is ever prone to wantonness: power and authority, says Plutarch, awaken every passion, and discover every *latent* vice:—what a cogent temptation is here placed to insnare the most virtuous? But if there be one depraved passion in the bosom, as power gives scope and opportunity, how soon will it be called forth into licentious exercise? Shall I be thought going too far; shall I trespass upon the bounds of truth and decency, if I say, that *SOME* of his Majesty's *commissioned* officers, in his fleet, or ships of war; *SOME* officers of his *customs* are *not altogether* worthy of such high confidence and trust? Are there not *inferior commissioned officers* in the King's ships; are there not *many* of the *LOWER* officers of the customs, who have neither strength of understanding, nor integrity of heart to wield such a mighty power? Nay, may not I add, that *SOME FEW* (into whose hands peradventure, the estate of a *good* subject and *opulent* merchant may chance to fall) are destitute of all sense, *mental* and *humane*? While contemplating this subject,—while the mind is active, and heart warm—how apt are we to forget that the illustrious Houses, who gave their sanction to this astonishing law, are dignified as *learned* and *venerable*;—and the Prince that gave his *fiat*, denominated—“THE WISEST AND BEST OF
“KINGS?”

Declining an entrance upon matters heretofore discussed by abler heads, I have omitted all observation on the *right* and *policy* of the claims and laws of Great-Britain over the colonies; upon the same principle I wave entering that copious field which is presented, by that part of the present act, which provides for the recovery of all forfeitures and penalties in the courts of admiralty—whose extended
jurisdiction

jurisdiction hath been matter of very great grievance, heart-burnings and complaint; whose judges hold their commissions *by the tenure of will and pleasure*; and whose large salaries are a most powerful incentive to the desire of—*well-pleasing ALL on whom they depend.*

Another passage in this statute makes *utterly void* ALL CONTRACTS, “for consigning, shipping, or carrying any goods, &c. *to or from* the harbour of Boston, *which* HAVE BEEN *made* or entered into, or which shall be made or entered into, so long as the act continues in force, relating to any ship which shall arrive at said town or harbour after the first day of June.”

Jurisperdents and the sages of the law for centuries have taught, that *retrospective* or *post facto* statutes, were not only militant with the principles of sound morals, but those also of political wisdom. But the Parliament, who by the bold figure of common lawyers, are stiled *omnipotent*, here enforces a different doctrine. The English colonist, replete with loyalty to his sovereign; the descendant from Britain, animated by love for a mother-country, represses the excursions of his understanding and passions: but the subject or native of another state will feel no such restraint. *He* has *contracted* to send his merchandize to this port, expects his returns in the commodities of the country—in compliance with his obligations, his treasures are moving with hazard upon the ocean, with hopes warm for gain. The ship (in which peradventure he hath risked his life as well as fortune) after many a toil and jeopardy, reaches the destined port. But how are his hopes baffled—how will he

rage and exclaim? vast have been his expences to prepare for his adventure, and equally great his expectations from the Boston merchant. What guilt hath he contracted, what crime hath *he* committed, that *he also* should be involved in the calamitous consequences of this unexampled statute? Buoyed up for a moment, perhaps, with a vain expectation, that he may have a remedy on his *contract against the merchant here*;—how will this supposed foreigner sink with a ten-fold despondency, how will *he* rise again with adequate indignation, when he discovers all remedy gone;—his contract declared *by the law*, “utterly void, TO ALL INTENTS AND PURPOSES WHATSOEVER?”—Here again, love for a *parent-country*, love for a *parent-king* checks the current of reason, and restrains the career of passion.

Having taken this view, before we proceed further, it is natural once more to ask, whence arose this extraordinary stride of legislation; what is it, that *the town* of Boston hath done? what new and unheard of crime have the inhabitants committed to justify enacting of such disabilities, forfeitures, pains and penalties? punishments that descend *indiscriminately on all*, ought to have the sanction of *unerring wisdom, and almighty power*, or it will be questioned, if not opposed:—The present vengeance falls *indiscriminately on the acknowledged innocent*, as well as the *supposed guilty*. Surely the evil is of a very malignant and terrible nature that can require such an extraordinary remedy. Admit for a moment, that the inhabitants of Boston were charged as high criminals; the highest criminals are not punishable, till arraigned before disinterested judges,

judges, heard in defence, and found guilty of the charge. But so far from all this, a whole people are accused, prosecuted by they know not *whom*; tried they know not *when*; proved guilty they know not *how*; and sentenced in a mode, which for number of calamities, extent, and duration of severity, exceeds the annals of past ages, and we presume, in pity to mankind, will not mark any future *Æra* in the story of the world.

What will be the *real* consequences of this astonishing measure, and what those *intended and expected* by the *planners* of it, are very *different* considerations. A MACHIAVEL may plan, and his schemes prove abortive; an ALVA may be sent to execute, and his army be defeated. The circle of the arts and sciences, like the ball of empire, hath held a *western* course. From Chaldea and Egypt to Greece and Rome, soon after in Italy, and thence to the *western* provinces of Europe. Chaldea and Egypt had their Magi, their law-givers and heroes, when Greece and Rome swarmed with petty feudatories and barbarians; Greece and Rome flourished in literature, when Gaul, Germany, and Britain were uncivilized, rude and ignorant. Wise and sagacious politicians have not been able to stay the rotation of this revolving *scientific* circle, any more than mighty potentates to repel the velocity of the flying ball of empire:—*superior to human powers*, like blazing stars, they hold their destined course, and play their corruscations as they run their race.

The expectations of those who were the fautors of the present measures, must have been to bring down superlative distress, discord, confusion, despair, and perdition upon a multitude. How then will
our

our amazement increase, when we shall hear that the hard fate of this multitude *cannot be avoided*? Let the inhabitants comply with the requisitions of the statute, let them be implicitly obedient to it's injunctions:—what is the evil they will escape? what is the boon they may hope to attain? hope and fear are said to be the hinges of government. Legislators have therefore considered it as sound policy, never to drive the subject into acts of despair, by causing punishments to appear as *inevitable*, on the *first promulgation* of a law. When a legislative body ordaineth *penalties to take place* in cases of performance or non-performance of particular matters, they surely will take due care, that *sufficient notice* is given of *their public will*, and *sufficient time to comply* with their mandates; so that obedience may not only proceed from principles of regard to the law-makers, but motives of personal safety to the subject himself. This seems not more consonant to political wisdom, than to nature and equity.— But let us now suppose, that upon the first intimations of the present law, Boston had been as prone to obey the edict of a British Court, as the Turk to comply with the mandate of the Divan; let us imagine them as servile, as fawning, as a court dependant to a minister of state;— nay, if there be any thing in nature, yet more humble and more base, let Boston (in idea for a short moment) be that humble, servile, base, and fawning something: What doth it all avail? The first time the inhabitants of this town had any intimation, of the will of the British Parliament, was on the tenth of May, and the act is to take place on the first of June; and thence to continue in *full force*, “ until it shall sufficiently appear to his Majesty that
“ full

“ *full satisfaction* hath been made *by*, or on behalf
 “ of, *the inhabitants of the said town of Boston to*
 “ *the united company of merchants of England trad-*
 “ *ing to the East-Indies, for the damage sustained by*
 “ *the said company* by the destruction of their
 “ goods sent to the said town of Boston, on board
 “ certain ships or vessels as aforesaid ; AND UNTIL
 “ IT SHALL BE CERTIFIED TO HIS MAJESTY *in council*
 “ BY THE GOVERNOR, OR LIEUTENANT GOVERNOR,
 “ of the said province, *that reasonable satisfaction*
 “ *hath been made to the officers of his Majesty's re-*
 “ *venue and* OTHERS, WHO SUFFERED BY THE RIOTS
 “ AND INSURRECTIONS ABOVE MENTIONED, in the
 “ months of November and December in the year
 “ 1773, and in the month of January in the year
 “ 1774.”

Satisfaction could not be made to the East-India
 company, *if all Boston had the WILL and POWER*
 to do it, till the town had time and opportunity
 to call a meeting, assemble, consult, and determine
 upon the measure : great bodies are not calculated
 for speedy decision, any more than velocity of
 motion. The resolution formed ; time must be
 given for dispatches to England, application to
 the East-India company, an adjustment with them
 upon the nice point of “ *full satisfaction* ” :—that
 accomplished ; time must be given for making the
 matter “ *sufficiently appear to his Majesty.* ”—Let any
 one consider but for a moment, what a length of
 time must inevitably elapse before all this can be
 accomplished : nay, may it not well be questioned,
 considering the parties and all persons concern'd,
 and the circumstances of this affair, whether such
 accomplishment be *practicable* ? But is this all that
 is to be done and effected *before relief can be given to*
this

this distressed land? Far otherwise. "The Governor
 " or *Lieutenant Governor*, must also first certify to
 " his Majesty, in Council, that *reasonable* satisfaction
 " hath been made to the *officers of his Majesty's re-*
 " *venue*, and OTHERS, *who SUFFERED by the riots*
 " *and insurrections above mentioned.*" No person is
 particularly designated to be the judge between
 the subject, and the officers of his Majesty's re-
 venue: No provision being expressly made touch-
 ing this point, how probable that litigation might
 arise concerning it? If we say, that the Go-
 vernor, or Lieutenant Governor, is the *implied*
 judge of this matter: How is the question to
 be brought before him, how tried, and how ad-
 justed? These also are points not settled in a
 moment: Long indeed would be the period be-
 fore the subject in Boston will be capable to as-
 certain and make such satisfaction, as that *the*
person here pointed out, would make his certificate,
 that it was plenary and *reasonable*. Governor Ber-
 nard lately filled the chair of government, while
 Mr. Hutchinson was second in command: Go-
 vernor Hutchinson now fills the chair, and the
 office of Lieutenant Governor is vacant. How
 long would it be before the inhabitants of Boston
 would acquiesce in the decision of either of these
 gentlemen? How little probability is there, consider-
 ing the sentiments, and the past and present con-
 duct of these gentlemen, that they would speedily
 give the required certificate?—If it hath been
 found difficult to touch the tender feelings of
 the *American and Native*, how long would it take
 to excite generous sentiments in the *Briton and*
Stranger?

But

But these are *all preparatories* to the obtaining any ease or relief from the pressure of this penal law. The prerequisites to the restoration of public felicity are here not only improbable, but when considered altogether and in the present crisis of public affairs, are they not impracticable? But yet worse, being accomplished, it could in no way prevent the misery and calamities of this British edict. The space given for the subject to stay this torrent of evils is so *short*, that it is *impossible* for him, exerting *his* utmost energies, to prevent being overwhelmed. (But what mortals are unable to prevent—HEAVEN may stay or divert.)

An avenue *seems* to be opened by the benignity of our British fathers; but when attempted, affords no way of escape. My veneration for Britain is so great, that I will not suppose the great council of the nation intended to flatter with a false hope, that cruel disappointment might heighten the poignancy of suffering—the anguish of despair. But sure the fathers of a people will consider, what are like to be the sentiments and conduct of *men* driven to distraction by a multitude of *inevitable* evils, and consigned to despair from the terms of their deliverance?

Wonder was excited on the first view of the present law; our astonishment hath been increasing in the progress of our survey. A period is not yet put to our admiration. The faculties of sensation are yet to be further stretched.

The civilian and statesman, the moralist and sage,
 had heretofore delivered those maxims of truth and
 D those

those rules of government, which wise legislators have ever observed, and the bulk of mankind yet honour and revere.—To know the laws of the land *already in force*, previous to the publication of a new code, or in the technical phraseology of a common lawyer “to know how the law stood before we make a new statute,” hath been considered as an indispensable accomplishment of a good legislator. But that illustrious Parliament, whose power is distinguished, with the appellation of “omnipotent,” seem not to have exercised this important knowledge;—though we do not hence rashly infer, that they are destitute of information, because all who are vested with *omnipotence of power*, are ever inspired with *proportionate wisdom*.

It must again be noticed, that no relief is to be had, “until full satisfaction hath been made *by* or *on behalf* of the inhabitants of said town of Boston.” Now to suppose that any in England or Europe would make satisfaction “*on behalf*” of said Inhabitants, was unnatural, if not absurd; but what is more to the point, it was certainly *unparliamentary*. The remaining alternative is that satisfaction must be made *by Boston*.

Every person knows, that towns in this Province cannot raise or appropriate any monies, but by the express provisions and direct authority of law: it is a matter of equal notoriety, that all town assessments of money are expressly confined, by the 4 Wm. & Mar. c. 13. to the “maintenance “and support of the ministry, schools, the poor, “and defraying of other *necessary* TOWN CHARGES.” A law which received the royal approbation, almost a century ago.

Will

Will any now say, that the monies appointed to be paid to the East-India house, come within the words of "*necessary town charges*?" When did the town contract the debt, or how are they subject to the payment of it? Had the Parliament seen fit to enact, that monies requisite to satisfy the India merchants, should be so *considered*; two questions (not of quick decision) might then have arisen; the one touching the validity and obligatory force of the statute; the other, whether it would then come within the intent and design of the Province law. For past doubt, our Provincial legislators had no such charge (as the one here supposed) in view, when they made the law of Wm. & Mary; and in this way therefore the matter could not be brought within it's provision. Parliament must then make a *new act to enable and empower Boston* to pay the India company, *before the town can comply* with the terms of relief of their trade. In the mean while, what is to be the situation of Boston and the inhabitants of the globe with whom they have such extensive connections?—But, it is very apparent, that the Parliament have not as yet enacted the payment of this satisfaction as a *town charge*. They have only placed it in the option of the town to make that payment, or submit to the consequences. That payment, we affirm, *they cannot make, without breach of the law of the land*.—New and unheard of therefore is the state of this people. They must sustain the severest afflictions, they must stand the issue of distracting remedies—or—violate one of the most known and practiced laws of the land!—Let us search the history of the world;—let us inspect the records of a *Spanish inquisition*;

let us enter the recesses of an *Ottoman court*;—nay, let us traverse the regions of romance and fable—where shall we find a parallel?

“ When the Hungarians were *called* REBELS first, “ they were called so for *no other reason* than this, “ (says the elegant Ld. Bolingbroke) that they “ *would not* be SLAVES.” But for BRITONS, when they would not venture to *call* their CHILDREN, *rebels*, that they should treat them as *worse* than REBELS, was reserved to distinguish an age of vaunted light, humanity and knowledge—the *Æra* of a King, who prides himself as *born and bred a Briton*!

To complain of the enormities of power, to expostulate with over-grown oppressors, hath in all ages been denominated sedition and faction; and to turn upon tyrants, treason and rebellion. But tyrants are rebels against the first laws of Heaven and Society:—to oppose their ravages is an instinct of nature—the inspiration of GOD in the heart of man. In the noble resistance which mankind make to exorbitant ambition and power, they always feel that divine *afflatus*, which, paramount every thing human, causes them to consider the LORD OF HOSTS as their leader, and his angels as fellow-soldiers:—trumpets are to them joyful sounds, and the ensigns of war, the banners of GOD;—their wounds are bound up in the oil of a good cause, and their blood flows in the veins of a Saviour; sudden death is to them present martyrdom, and funeral obsequies resurrections to eternal honour and glory:—their widows and babes, being received into the arms of a compassionate GOD, and their names enrolled among

DAVID'S WORTHIES — greatest losses are to them greatest gains; for they leave the troubles of their warfare to lie down on beds of eternal rest and felicity.

There are other parts of the act now before us, which merit notice: particularly that, relative to the prosecution of suits in the ordinary courts of law, "for any thing done in pursuance of the act;" by which the defendant is enabled "to plead the general issue, and give the act, and the general matter, in evidence:" whereupon it follows, that "if it *shall appear* so to have been done, the jury SHALL find for the defendant;" who, by an after clause, is to "recover *treble* costs." From this passage some have been led to conclude, that *the appearance* of this matter was to be *to the Judge*; and that if it had *that appearance to him*, and he should direct the jury accordingly, *however it might appear to the jury*, they *must follow the directions of the Judge*, and acquit the defendant. But this is a construction, which as the words do not *necessarily* carry that meaning, I will permit myself to suppose the design of the law. However the late donations of large salaries by the crown, to the justices of our superior Courts, who are nominated by the Governor, and hold their commission, *durante bene placito*, have not a little contributed to the preceding apprehension.

Another passage makes provision for "assigning
 " and appointing such and so many open places,
 " quays and wharfs, within the said harbour, creeks,
 " havens and islands, for the landing, discharging,
 " lading and shipping of goods, as his Majesty, his
 " heirs or successors, shall judge necessary and ex-
 " pedient;"

“ peditent;” and also for “ appointing such and
 “ so many officers of the customs therein, as his
 “ Majesty shall think fit; after which it shall be
 “ lawful for any person or persons to lade or put
 “ off from, or to discharge and land upon, such
 “ wharfs, quays, and places, so appointed within
 “ the said harbour, AND NONE OTHER, any goods,
 “ wares and merchandize whatsoever.” By which
 the property of many *private* individuals is to be
 rendered useless, and worse than useless; as the
possession of a thing, aggravates the misfortune of
 those who are deprived of a capacity to enjoy.
 But if the property of *some few* is to be rendered no-
 thing worth, so that of *many others* is to be openly
 invaded:—But why should we dwell upon *private*
 wrongs, while those of *the multitude* call for all our
 attention?

If any should now say—we are a commercial
 people—commercial plans can *only* save us. If any
 think that the ideas of the merchant are at this
 day to give spring to our nerves, and vigour to
 our actions; if any say, that *empire* in this age of
 the world, is only *founded* in commerce:—let him
 show me the people emancipated from oppression
 by commercial principles and measures: let him
 point me, that unexplored land, where *trade* and
slavery flourish together. Till then, I must hold a
 different creed; and believe—that tho’ commercial
 views may not be altogether unprofitable—that
 though commercial plans *may do much*—*they never can*
do ALL. With regard then, to how much the
 merchant, the artificer, the citizen and the hus-
 bandman may do, let us no longer differ. But let
 every one apply his strength and abilities to that
 mighty

mighty burden, which, unless removed, must crush US ALL. AMERICANS have one COMMON INTEREST to *unite* them; that interest must cement them. As natural allies, they have published to the world professions of reciprocal esteem and confidence, aid and assistance; they have pledged their faith of mutual friendship and alliance. Not only common danger, bondage, and disgrace; but national truth and honour conspire to make THE COLONISTS resolve——TO STAND OR FALL TOGETHER.

Americans never were destitute of discernment; they have never been grossly deficient in virtue. A small share of sagacity is now needful to discover the insidious art of our enemies; the smallest spark of virtue will on this occasion kindle into flame.

Will the little temporary advantage held forth for delusion seduce them from their duty? Will they not evidence at this time, how much they despise the *commercial bribe* of a British ministry; and testify to the world that they do not vail to the most glorious of the antients, in love of freedom and sternness of virtue? But as to THE INHABITANTS OF THIS PROVINCE, how great are the number, how weighty the considerations to actuate their conduct? Not a town in this colony, but have breathed the warmest declarations of attachment to their rights, union in their defence, and perseverance to the end. Should any ONE *maritime* town (for more than ONE I will not believe there can be) allured by the expectations of gain, refuse to lend their aid;—entertaining the base idea of building

ing themselves upon the ruins of this metropolis—and in the chain of future events, on the destruction of ALL AMERICA,—what shall we say?—hours of bitter reflection will come, when their own *feelings* shall excite consideration; when remembrance of *the past*, and expectation of *the future*, shall fill up the measure of their sorrow and anguish.—But I turn from the idea, which blasts my country with infamy—my species with disgrace.

The intelligent reader must have noticed, that through the whole of the act of Parliament, there is no suggestion that the East-India company had made any demand for damage done to their property:—if the company supposed they had received injury, it doth not appear whom they consider as guilty, and much less, that they had alleged any charge against *the town of Boston*. But I presume, if that company were intitled to receive a recompence from the town until they prosecuted their demand, they are supposed to wave it. And we cannot but imagine, that this is the first instance, where Parliament hath ordered one subject to pay a satisfaction to another, when the party aggrieved did not appear to make his regular claim; and much more uncommon is it, for such recompence to be ordered, without ascertaining the amount to which the satisfaction shall extend.

But if the East-India company were now made easy, and Boston reduced to perfect silence and humiliation;—how many “OTHERS” are there, who would suggest, that they “SUFFERED by *the riots and insurrections abovementioned*” and demand “*reasonable satisfaction*” therefore—The *singular texture*, uncertainty,

tainty, looseness, and ambiguity of this phrase in the statute, seems so calculated for dispute, such an eternal bar to a full compliance with the requisitions of the act, and of course to render permanent its evils, that I cannot speak upon the subject without trespassing upon those bounds of respect and decency, within the circle of which I have endeavoured to move.

Here waving further particular consideration of that subject which gave origin to this performance, I shall proceed to an equally interesting subject—that of *STANDING ARMIES, and CIVIL SOCIETY.*

The faculty of intelligence may be considered as the first gift of GOD; its due exercise is the happiness and honour of man; its abuse, his calamity and disgrace. The most trifling duty is not properly discharged without the exertion of this noble faculty; yet how often does it lie dormant, while the highest concerns are in issue? Believe me (my countrymen) the labour of examining for ourselves, or great imposition, must be submitted to; there is no other alternative: and unless we weigh and consider what we examine, little benefit will result from research. We are at this extraordinary crisis called to view the most melancholy events of our day: the scene is unpleasant to the eye, but its contemplation will be useful, if our thoughts terminate with judgment, resolution, and spirit.

If at this period of public affairs, we do not think, deliberate, and determine *like men*—men of
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minds

minds to conceive, hearts to feel, and virtue to *act*—what are we to do?—to gaze upon our bondage? while our enemies throw about fire-brands, arrows, and death, and play their tricks of desperation with the gambols of sport and wantonness.

The proper object of society and civil institutions is the advancement of “*the greatest happiness of the greatest number.*” The people (as a body, being never *interested* to injure themselves, and uniformly desirous of the general welfare) have ever made this *collective felicity* the object of their wishes and pursuit. But strange, as it may seem, what *the many* through successive ages have desired and fought, the *few* have found means to baffle and defeat. The necessity of the acquisition hath been conspicuous to the rudest mind; but man, inconsiderate, that, “in every *society* there is an effort “*constantly* tending to confer on one part *the height* “*of power*, and to reduce the other to *the extreme of* “*weakness and misery,*”* hath abandoned the most important concerns of civil society to the caprice and controul of those, whose elevation caused them to forget their pristine equality, and whose interest urged them to degrade *the best and most useful*, below *the worst and most unprofitable* of the species†. Against *this exertion*, and the principle which originates it, no vigilance can be too sharp, no determination too severe.

But

* Marq. Beccaria.

† The modes of government which have been imposed on credulous man, have been not only deficient in producing the just ends of government, viz. the full and impartial security of the rights of nature; but also, have been rather formidable and dangerous cabals against the peace, happiness, and dignity of society. Macaulay's Observations on Burke's Thoughts, &c. Edit. 5, p. 10.

But, alas!—as if born to delude and be deluded—to believe whatever is taught, and bear all that is imposed—successive impositions, wrongs and insults, awaken neither the sense of injury, nor spirit of revenge. Fascinations and enchantments, chains and fetters, bind in adamant the understanding, and passions of the human race. Ages follow ages, pointing the way to study wisdom—but the charm continues.

Sanctified by authority and armed with power, error and usurpation bid defiance to truth and right, while the bulk of mankind sit gazing at the monster of their own creation:—a monster, * to which their follies and vices gave origin, and their depravity and cowardice continue in existence.

“The greatest happiness of the greatest number” being the object and bond of society, the establishment of truth and justice ought to be the basis of civil policy and jurisprudence. But this capital establishment can never be attained, in a state, where there exists *a power superior to the civil magistrate, and sufficient to controul the authority of the laws.* Whenever, therefore, *the profession of arms becomes a distinct order in the state, and a standing army part of the constitution,* we are not scrupulous to affirm, *that the end of the social compact is defeated, and the nation is called to act upon the grand question, consequent upon such an event.*

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* This (standing army) is a monster, that will devour all your liberties and properties—there is a time for all men to speak, and now, when our liberties are at stake, duty to GOD, our Prince, and country, forbid to be silent. Sir John Hotham's speech in Parliament, 1673. Grey's debates, vol. 2, page 391.

The people who compose the society (for whose security the labour of its institution was performed, and of the toils its preservation daily sustained) THE PEOPLE, I say, are the only *competent* judges of *their own welfare*, and, therefore, are the only suitable authority to determine touching the great end of their subjection and their sacrifices. This position leads us to two others, not impertinent on this occasion, because of much importance to Americans:—

That the legislative body of the common-wealth ought to deliberate, determine, and make their decrees *in places* where the legislators may *easily know from their own observation*, the wants and exigences, the sentiments and will, the good and happiness of the people; and the people as easily know the deliberations, motives, designs, and conduct, of their legislators, before their statutes and ordinances actually go forth and take effect:—

That every member of the legislature ought himself to be so far subject in his person and property to the laws of the state, as to immediately and effectually feel every mischief and inconvenience, resulting from all and every act of legislation.

The science of man and society, being the most extended in its nature, and the most important in its consequences, of any in the circle of erudition, ought to be an object of universal attention and study. Was it made so, the rights of mankind would not remain buried for ages under systems of civil and priestly hierarchy, nor social felicity overwhelmed by lawless domination,

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Under appearances the most venerable, and institutions the most revered; under the sanctity of religion, the dignity of government, and the smiles of beneficence, do the subtle and ambitious make their first incroachments upon their species. *Watch, and oppose*, ought therefore to be the motto of mankind. A nation in its best estate—guarded by good laws, fraught with public virtue, and steeled with martial courage—may resemble Achilles: but Achilles was wounded in the heel. The least point left unguarded, the foe enters:—latent evils are the most dangerous—for we often receive the mortal wound, while we are flattered with security.

The experience of all ages shews, that mankind are inattentive to the calamities of others, careless of admonition, and with difficulty roused to repel the most injurious invasions. “ I perceive (said the great patriot Cicero to his countrymen) an inclination for tyranny in all Cæsar projects and executes*.” Notwithstanding this friendly caution, not “ till it was *too late*, did the people find out, that *no beginnings, however small, are to be neglected*†.” For that Cæsar, who at first attacked the common-wealth *with mines*, very soon *opened his batteries*‡.—Encroachments upon the rights and property of the citizen, are like the rollings of mighty waters over the breach of antient mounds: slow and unalarming at the beginning; rapid and terrible in the current; a deluge and devastation at the end.—Behold the oak, which stretcheth itself to the mountains, and overshadows the vallies, was once an acorn in the bowels of the earth:—Slavery (my friends) which was yesterday engrafted among you,
already

* Plut. Life of Cæsar. † Ib. ‡ Ib.

already overspreads the land, extending its arms to the ocean, and its limbs to the rivers.—Unclean and voracious animals under its covert, find protection and food,—but the shade blasteth the green herb, and the root thereof poisoneth the dry ground, while the winds which wave its branches scatter pestilence and death.

Regular government is necessary to the preservation of private property and personal security. Without these, men will descend into barbarism, or at best become adepts in humiliation and servility; but they will never make a progress in literature or the useful arts. Surely a proficiency in arts and sciences is of some value to mankind, and deserves some consideration.—What protection of property—when ministers shall overrun the land with mercenary legions? What personal safety, when a British administration—(such as it now is, and corrupt as it may be)—pour armies into the capital, and senate-house,—point their artillery against the tribunal of justice, and plant weapons of death at the posts of our doors*?

Thus exposed to the power, and insulted by the arms of Britain—STANDING ARMIES become an object of serious attention. And as the history of mankind affords no instance of successful and confirmed tyranny, without the aid of military forces, we shall not wonder to find them the *desiderata* of princes, and the grand object of modern policy.—What, though they subdue every generous passion and extinguish every spark of virtue—all this must be

* All this, and much more, hath Boston been witness to.

be done, before empires will submit to be exhausted by tribute, and plundered with impunity.

Amidst all the devices of man to the prejudice of his species, the institution of which we treat, hath proved the most extensively fatal to religion, morals, and social happiness. Founded in the most malevolent dispositions of the human breast, disguised by the policy of state, supported by the lusts of ambition, THE SWORD hath spread havock and misery throughout the world. By the aid of mercenary troops, the sinews of war, the property of the subject, the life of the common-wealth have been committed to the hands of hirelings, whose interest and very existence, depend on an abuse of their power. In the *lower* class of life, STANDING ARMIES have introduced brutal debauchery and *real* cowardice; in the higher orders of state, venal haughtiness and extravagant dissipation. In short, whatever are the concomitants of despotism; whatever the appendages of oppression, this ARMED MONSTER hath spawned or nurtured, protected or established;—monuments and scourges of the folly and turpitude of man!

Review the armament of modern princes:—what sentiments actuate the military body? what characters compose it? Is there a private centinel of all the innumerable troops that make so brilliant a figure, who would not *for want of property* have been driven from a Roman cohort, *when soldiers were the defenders of liberty**?

Booty and blind submission, is the science of the camp. When lust, rapacity, or resentment incite, whole

* See Rousseau's Social Comp. 202.

whole battalions proceed to outrage. Do their leaders command—obedience must follow. “Private soldiers (said Tiberius Gracchus from the Roman rostrum) fight and die to advance the wealth and luxury of the great.”*. “Soldiers (said an eminent Puritan in his sermon preached in this country more than 130 years ago) are commonly men who fight themselves fearlessly into the mouth of hell for revenge, booty, or a little revenue:—a day of battle is a day of harvest for the devil.” Soldiers, like men, are much the same in every age and country.

“Heroes are much the same, the point’s agreed,
“ From Macedonia’s madman to the Sweed.”

What will they not fight for—whom will they not fight against? Are these the men, who take up arms with a view to defend their country and its laws? Do the ideas or the feelings of the citizen actuate a British private on entering the camp †? Excitements, generous and noble like these, are far from being the *stimuli* of a modern phalanx. The general of an army, habituated to uncontrouled command, feels himself absolute: he forgets his superiors, ‡ or rather despises that civil authority, which is destitute of an energy to compel his obedience. His soldiers (who look up to him as their sovereign, and to their officers as magistrates) lose the sentiments of the citizen and contemn the laws.

* Plut. Life Tib. Grac. † See 1 Bla. Com. p. 307.

‡ “It is grown a principle among the army (an ill nursery for young men) that Parliaments are roots of rebellion.” Sir John Hotham in the house of commons 1673. Grey’s debates in Parliament, 2 vol. 203.

laws. Thus *a will* and *a power* to tyrannize become united ; and *the effects* are as *inevitable* and *fatal* in the political, as the moral world.

The soldiers of Great-Britain are by the mutiny act deprived of those legal rights which belong to the meanest of their fellow-subjects, and even to the vilest malefactor*. Thus divested of those rights and privileges which render Britons the envy of all other nations, and liable to such hardships and punishments as the limits and mercy of our known laws utterly disallow ; it may well be thought they are persons best prepared and most easily tempted to strip others of their rights, having already lost their own†. Excluded, therefore, from the enjoyments which others possess, like Eunuchs of an Eastern seraglio, they envy and hate the rest of the community, and indulge a malignant pleasure in destroying those privileges to which they can never be admitted‡. How eminently does modern observation verify that sentiment of Baron Montesquieu—a slave living among free-men will soon become a beast§.

A very small knowledge of the human breast, and a little consideration of the ends for which we form into societies and common-wealths, discover the impropriety and danger of admitting such an order of men to obtain an establishment in the state : the annals and experience of every age shew, that it is not only absurdity and folly—but distraction and madness. But we in this region of the earth have not only to dread and struggle with the natural and common calamities resulting from such military bodies, but the combined dan-
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gers

* See 1 vol. Lds. Prot. 280. Anno 1717. † Ib. 283.

‡ Montesq. Sp. Laws, 15. 12. and 1 Bla. Com. 416.

§ See Sp. Laws 348, 2 Edit.

gers arising from AN ARMY OF FOREIGNERS, stationed in the very bowels of the land. Infatuated Britons have been told—and as often deceived, that an *army of natives* would never oppress their own countrymen. But Cæsar, and Cromwell, and an hundred others have enslaved their country with such kind of forces. And who does not know that subalterns are implicitly obedient to their officers;—who when *they* become obnoxious are easily changed, as armies to serve the purposes of ambition and power are soon new modelled. But as to America, the armies which infest her shores are in every view FOREIGNERS, disconnected with her in interest, kindred, and other social alliances: who have nothing to lose, but every thing to gain by butchering and oppressing her inhabitants.—But yet worse:—their inroads are to be palliated, their outrages are to receive a sanction and defence from a *Parliament* whose claims and decrees are as unrighteous, as *the administration* is corrupt;—as boundless as their ambition, and as terrible as their power. The usurpation and tyranny of the Decemviri of Rome are represented as singularly odious and oppressive: but even they never assumed what Britain in the face of all mankind hath avowed and exercised over the Colonies:—*the power of passing laws merely on her own authority.* “*Nothing that we propose* (said they to the people) *can pass into a law without your consent.* Be yourselves, ye Romans, the authors of those LAWS ON WHICH YOUR HAPPINESS DEPENDS.”

‘ The dominion of all great empires degrades and debases the human species*’. The dominion of Britain is that of a mighty empire. Her laws

* See 1 Dr. Robertson’s hist. Charl. 5. p. 3.

laws waste our substance, her placemen corrupt our morals, and her armies are to break our spirits.—Yes, are they not to do more? “To spoil, to slaughter, and to commit every kind of violence; and then to call the manœuvre by a lying name—GOVERNMENT; and when they have spread a general devastation, call it PEACE*.” In the barbarous massacres of France, in the 16th century, *the very hangmen* refused obedience to the cruel mandates of the French monarch, saying *they were legal officers*, and *only executed those the laws condemned*. Yet history bears testimony that *the soldiers performed the office which the hangman refused*†. Who then can be at a loss for the views of those who were so fond of introducing, and tenacious of obtaining, *similar peace-officers* in this obnoxious capital‡? But let all such—yes, let Great-Britain consider the nature of mankind; let her examine carefully the history of past events, and attend to the voice of experience.

In the same age we have just mentioned, the Low-Countries, then subject to the crown of Spain, being persecuted by the court and church of that kingdom, rose up to resist their oppressors. Upon which, in the year 1567, the Duke of Alva was sent, and entered the country with a well-appointed army, ten thousand strong; in order to quell and punish the insurgents. Terrified with these martial operations, the towns

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suffered

* Part of a noble speech recorded by Tacitus (*vita Agric.*) of an old Briton to his followers, exciting them to free their country, then a Province of Rome, from the yoke of bondage.

† See the life of Theod. Arip. D'Aubigne, p. 38.

‡ Whoever wants information of the spirit, cruelty and rapine of soldiers quartered in popular cities, let them peruse the first book of the elegant and instructive history, written by the masterly hand of Tacitus.

suffered the open breach of their charters, and the people submitted to the most humiliating infraction of their liberties; while Alva, being invested with the government, erected the court of twelve, called *the council of blood*, and caused great numbers to be condemned and executed on account of the insurrections. Universal complaints ensued on this disuse of the ordinary courts of law and the introduction of the army: but complaints were in vain, and all murmurs despised. The people became enraged; but without a leader, they were over-awed. "The army (says Sir William Temple) was fierce and brave, and *desirous of nothing so much as a rebellion of the country.*" All was seizure and process, confiscation and imprisonment, blood and horror, insolence and dejection, punishments executed, and meditated revenge. But though the multitude threatened vengeance, the threats of a broken and unarmed people excited contempt and not fear, Alva redoubled his impositions and ravages, *his edicts were published for raising monies without the consent of the state, and his soldiers were called to levy the exactions by force.*—But the event shewed, that the timidity and tameness of mankind, like every thing human, will have a period. The patience of the miserable sufferers came to an end; and those commotions began which deluged great part of Europe with blood, and finally freed THE UNITED PROVINCES from the yoke of Spain and the inquisition.—What conflicts too sharp—what horrors too dreadful to endure for such a happy deliverance—such a glorious issue? Thus "the first period of the Low-country troubles (says the same ingenious writer) proved to King Philip (of Spain) a *dear experience*, how little the boldest armies and best conduct are able to withstand the torrent of a stubborn and enraged people, *which ever bears all down*

down before it, till it be divided into different channels by arts, or by chance; or till the springs, which are the humours that fed it, come to be spent, or dry up of themselves."*

During several centuries, history informs us, that no monarch in Europe was either so bold, or so powerful, as to venture on any steps towards the introduction of regular troops. At last, Charles the 7th of France, seizing a favourable opportunity in 1445, executed that which his predecessors durst not attempt, and established the first standing army known in Europe. Lewis the 11th, son and successor of Charles, finding himself at the head of his father's forces, was naturally excited to extend the limits of his ancestors, in the levies of money and men. Charles had not been able to raise upon his subjects two millions, but the army he left his successor enabled him to levy near five. The father established an army of about seventeen hundred, which "he kept "in good order and placed for the defence of the "realm;" but this army, though thus disciplined and stationed, enabled the son to maintain "in "continual pay a *terrible band* of men of arms, "which gave the realm (says the Historian Philip de Commines) a *cruel wound*, of which it "bled many years†." How regular, correspondent, and uniform are the rise and progression of *military* calamities in all ages! How replete with instruction—how full of admonition are the memorials of distant times—especially when contracted into

* See Temple's obs. upon the United Provinces, p. 15, 16, 17, 19.

† Sixth Book of the Hist. of Ph. De Commines, p. 206. London Edit. 1614.

into the view, and held up in comparison with the present.

Charles and Lewis having set the example, all the neighbouring crowned heads soon followed, and mercenary troops were introduced into all the considerable kingdoms of the continent. They gradually became the only military force that was employed or trusted. It has long been (says the learned Dr. Robertson) the *chief object of policy* to increase and support them, and *the great aim of Princes or ministers to discredit, and to annihilate all other means of national activity or defence**. Who will wonder at this, who reflect, that absolute monarchies are established, and can only be supported by mercenary forces? Who can be surprized, that princes and their subalterns discourage a martial spirit among the people, and endeavour to render useless and contemptible *the militia*, when this institution is the natural strength, and only stable safeguard, of a free country †? “Without it, it is folly to think any free government will ever have security and stability ‡.” A standing army in quarters will grow effeminate and dissolute; while a militia, uniformly exercised with hard labour, are naturally firm and robust. Thus an army in peace is worse than a militia; and in war, a militia will soon become disciplined and martial. But “when the sword is in the hands of a single person—as in our constitution—he will always (says “the

* Hist. Charl. 5. 1 vol. p. 95. See also 2 Macaulay's Hist. of England, p. 165. Sir John Philip's Speech in the British House of Commons, 1744. Debates of the Commons, 2 vol. p. 61.

† Our trained bands are the truest and most proper strength of a free nation. Eikonoklastes of John Milton.

‡ Hume, 278.

“ the ingenious Hume) neglect to discipline the
 “ militia *, in order to have a pretext for keeping
 “ up a standing army. 'TIS EVIDENT, (says the
 “ same great character) that this is a *mortal distem-*
 “ *per* in the BRITISH government; of which it
 “ must at last *inevitably perish* †.” What a deformed monster is a standing army in a free nation? FREE, did I say? What people are truly free, whose monarch has a numerous body of armed mercenaries at his heels? Who is already absolute in his power—or by the breath of his nostrils may in an instant make himself so?

No free government was ever founded or ever preserved it's liberty, without uniting the characters of citizen and soldier in those destined for defence of the state. The sword should never be in the hands of any, but those who have an interest in the safety of the community, who fight for their religion and their offspring;—and repel invaders that they may return to their private affairs and the enjoyment of freedom and good order. Such are a well regulated militia composed of the freeholders, citizen, and husbandman, who take up arms to preserve their property as individuals, and their rights as freemen. Such is the policy of a truly wise nation, and such was the wisdom of the antient Britons. The primitive constitution of a state in a few centuries falls to decay:—errors and corruptions creep gradually into the administration of government—'till posterity forget or disregard the institutions of their remote ancestors.

In

* Of a like opinion was Sir Thomas Lee in Charles the 2d's reign. See Grey's debates, 2 vol. 391.

† Hume 279.

In antient time, THE MILITIA of England was raised, *officered*, and *conducted* by *common consent*. It's *militia* was the ornament of the realm in peace, and for ages continued the only and sure defence in war. Was the King himself general of an army—it was by the *consent of his people*. Thus when the Romans visited the island of Britain, Cassibelan was the Prince and chief commander in war; but it was by *the election of the great Common Council, Summa belli* (says Cæsar) COMMUNI CONCILIO, *Cassibelano traditur*. Nor will this seem strange, when we consider that it was the first state maxim with the Druids *ne loqui de republica, nisi per concilium*—not even to speak upon a matter of state but in council. Nor is it to be wondered that such politicians informed Cæsar, that they had been so long accustomed to liberty, that they knew not the meaning of *tribute* and *slavery*; and sent him word, that *they had as good blood as he, and from the same fountain*. Surely a message that was received by a Roman, may be sent to a British Cæsar. These were those *venerable Druids*, who had inspired the Gauls, of whom Cæsar reports this memorable boast, “*We can call or appeal to such a Great Common Council, as all the world cannot resist.*” Tacitus, speaking of our Saxon ancestor, relates, *Reges ex nobilitate, Duces ex virtute in isdem conciliis eliguntur*. The great council, or the parliament of the state, had, not only the appointment of the *principes militiæ*, but the conduct of all military forces, from the first erection of the standard to it's lodgment in the Citadel; for as the same noble writer informs, it was their general custom—*not to intrust any man with the bearing of arms, antequam*

CIVITAS

CIVITAS suffecturum probaverit. Such was the security of the people from the calamities of a standing army:—happy indeed if their successors could boast a similar provision.—Britain would not now be groaning under oppression—nor her distant children struggling for their freedom.

A spirited nation thus embodied in a well disciplined militia, will soon become warlike, and such a people more fitted for action than debate, always hasten to a conclusion on the subject of grievances and public wrongs, and bring their deliberations to the shortest issue. With them “it is the work of but *one day*, to examine and resolve the nice question, concerning the behaviour of subjects towards a ruler who abuses his power*.”

Artful dissemblings, and plausible pretences, are always adopted in order to introduce regular troops. Dionysius became the tyrant of Syracuse, the most opulent of all the Grecian cities, by feigning a solicitude for the people, and a fear of his own person. He humbly prayed only *a guard* for his protection: they easily granted, what he readily took—the power of plundering by military force, and entailing his sovereignty by a devise of his sword. Agathocles, a successor to the Dionysian family, and to the command of the army, continued the military tyranny, and butchered the enslaved people by centuries.

Cardinal Ximenes, who made the first innovation of this kind in Spain, disguised the measure under the pious and popular appearance of resisting the progress of the Infidels. The Nobles saw his views, and excited opposition in the chief towns of the

G kingdom.

* See Dr. Robertson's Hist. of Scotland, 1 vol. p. 204, 5.

kingdom. But by dexterously using terror and intreaty, force and forbearance, the refractory cities were brought to compliance. The nobles thus, driven to desperate resolutions by the Cardinal's military movements, at a personal interview were warm and intemperate. When the Arch-prelate insensibly led them towards a balcony, from which they had a view of a large body of troops under arms, and a formidable train of artillery. "Behold," (says he, pointing to these, "and raising his voice) the powers which I have received from his Catholick majesty. *With these I govern Castile, and with these I will govern it.*" Nobles and people discovered it was now *too late* for resistance:—to regret past folly, and dread future calamities, was the remaining fate of the wretched Castilians. After the Romans quitted the island of Britain, the first appearance of a standing army was under Richard the second. The suppression of his enemies in Ireland calling him out of England, his subjects seized the opportunity, and dethroned him.

Henry the 7th, a character odious for rapacity and fraud, was the first King of England who obtained a permanent military band in that kingdom. It was only a band of fifty archers:—with the harmless appellation of *Yeomen of the guards*. This apparently trivial institution was a *precedent* for the greatest political evil that ever infested the inhabitants of Britain. The ostensible pretext was *the dignity of government*— "the grandeur of majesty:"— * the alteration of the constitution, and an increase of power was the aim of the prince. An early "*op-pugnation of the King's authority,*" tho' no doubt his favourite subalterns would have stiled it "*ILL-TIMED,*" † had easily effected that disbanding of

* See Rapin.

† See the late Gover. Bernard's Speeches.

of the new raised forces, which being a little while delayed, no subsequent struggles have accomplished. The wisdom of *resistance at the beginning*, has been repeatedly inculcated by the wise and liberal-minded of all nations, and the experience of every age hath confirmed their instruction. But no precept or example can make the bulk of mankind *wise for themselves*. Tho' cautioned (as we have seen) * against the projects of Cæsar, *the smiles of his benignity deceived* the Roman Common-wealth, till the increase of his power bid defiance to opposition. Celebrated for his generosity and magnificence, his complacency and compassion †, the complaisant courtier made his way into the hearts of his countrymen. They would not believe, tho' admonished by the best of men and first of patriots ‡, that the *smiling Cæsar* would filch away their liberties, that *a native—born and bred a Roman*—would enslave his country—the land of his fathers—the land of his birth—the land of his posterity §. But the ambitious Cæsar aiming at authority, and
Cæsar

* See before, p. 31.

† See Sallust.

‡ M. T. Cicero. See Plut. Life of Cæsar.

§ A similar infatuation hath, oftner than once, prevailed in this Province: an instance of which we have in the time of Governor Dudley. This Gentleman “ after he had been agent
“ for the Country, tacked about, and joined with the instruments that overthrew the charter, and accepted an illegal
“ and arbitrary Commission from King James, by which he held
“ the Government, until the arrival of Sir Edmund Andros; ;
“ and then was, (as *President* of the Council, and *Chief Judge*
“ of the territory,) a *chief tool* of all the ensuing, barbarous, and infamous administration. After his appointment to the Government his conduct was of the same texture with his former life: (it was his Son Paul, who wrote
“ to England that this Country would never be worth living
“ in, for Lawyers and Gentlemen, till THE CHARTER IS

Cæsar armed and intoxicated with power, appear in very different characters. He who appeared with the mildness of a fine gentleman, in his primæval state, in an advanced station conducted with the sternness of a tyrant. Opposed by a tribune of the people *in taking money out of the publick treasury against the laws*, Cæsar WITH AN ARMY AT HIS HEELS, proclaimed “arms and laws *do not flourish together.*” “If you are not pleased,” (added the usurper) with what I am about, you “have nothing to do but to withdraw. Indeed “war will not bear much liberty of speech. “When I say this, I am departing from my own “right. For you, and all, I have found exciting “*a spirit of faction* * *against me*, are at my disposal.” Saying this, he approached the doors of *the treasury*, as the keys were not produced, he sent *his work-men to break them open*†. This is the complaisant Cæsar—renowned for his amiable qualities: by his easy address he deceived, and by his arts enslaved his countrymen—and prepared the way for a succeeding Nero to spoil and slaughter them.—Singular and very remarkable have been the interpositions of Providence in favour

“TAKEN AWAY.”)——Yet such was the delusion at that day. “Some of the Council would *firmly believe* charitably “of him because *his family and interest* were here, and therefore thought it unreasonable to believe he would do any “thing that should hurt his Country.” See a Book published in London, about 1708, intitled, “The deplorable state of “New-England, by reason of a *covetous and treacherous Governor, and pusillanimous Counsellors.*” p. 3 & 9, &c.

* Justice was *faction* in ancient Rome, as well as modern Britain. See Macauley’s hist. 405. Montagu’s rise and fall of the ancient Repub. 275.

† Plut. Life of Cæsar.

vour of New-England :— the permission of an early carnage in our streets, peradventure, was to awaken us from the danger ;— of being *politely* beguiled into security, and *fraudfully* drawn into bondage :— a state that sooner or later ends in rapine and blood. — Shall we be too enthusiastic, if we attribute to the Divine influence, that unexpected good which hath so often in our day been brought out of premeditated evil ? Few, comparatively, of the many mischiefs aimed against us, but what have terminated in some advantage, or are now verging to some happy issue. — If the dexterity of veteran troops have not excited envy, if their outrage hath not provoked revenge, their military discipline hath set a well-timed example, and their savage fury been a well-improved incentive. The lusts of an enemy may touch a sensibility of mind, and his very pride pique the virtue of the heart.

Fleets which appeared formidable, and armies which threatened destruction, have either vapoured away with empty parade, or executed their mischievous designs with rashness and folly. To compensate the insult, and repair the injury, Providence hath caused these armaments to scatter much wealth, and diffuse abroad a martial passion :— a passion, which hath proved so contagious, that our MILITIA are advanced a century, at least, in discipline and improvements. Where are the people who can compose a militia of better men, more expert in the use of arms, and the conduct of the field, than we can now call forth into action ? A militia who a few years ago, knew near as much of the science of Algebra, as of the art military. Thus hostile invasions have roused among us the

GENIUS

GENIUS of *War* :— that Genius, which under GOD, will conduct us with safety and honour— with triumph and glory.

Surely we may say of our adversaries ;— in the net, which they hid, is *their own foot taken*, and they are snared in the wickedness of *their own hands*.— Our enemies the last ten years have been employed to *weave a spider's web* and *hatch the eggs of a Cockatrice* :— *consuming their own bowels by what they have weaved* ; and *destroyed by what they have brought forth*.— Thus Goliath is killed with *his own sword*, Haman hanged upon *his own gallows* *. Marvellous were the doings of GOD in the eyes of our fathers ;— nor less astonishing are his works in the days of their progeny †.

Charles the II^d told his Parliament, their “ *jealousy*, that the forces he had rais'd were designed “ *to controul law and property*, was *weak* and “ *frivolous* ‡.” The cajolment took for a season, but his subjects having been abused by repeated violations

* Thus also the Bishop of Verdun, who was the modern contriver of a new species of State-prison (for which, many have cursed him) was by the righteous dispensation of Providence, *first* put into it himself and confined “ in the cruel prison ” fourteen years. Phil. De Com. Hist. p. 216.

† It was an observation applied by the first settlers of New-England to their great consolation, that when *wicked men are nearest their hopes*, *godly men are furthest from their fears*, because the *insolence* and *cowardice* of the wicked usually engage GOD to defeat their design.

‡ Speech to both Houses, February 1672, and 7 Grey's Deb. in Parl. p. 26.

violations of his most solemn vows, at last roused from their lethargy ; and the King began to dread the severity of their vengeance. He therefore kept up a *standing army*, not only against law, but the repeated resolutions of every Parliament of his reign. He found that corruption without force could not confirm him a tyrant, and therefore cherished and augmented his troops to the destruction of his people and the terror of his senators. "*There go our masters* *," was a common saying among the members of Parliament. "No law can restrain these people ; houses are taken from us, our lives are in danger," (said one member in Parliament.) "Without betraying our trust, (said Ruffel) we must vote these standing forces a grievance. There are designs about the King, to ruin religion and property. Public business is the least of their concern. A few upstart people making hay while the sun shines, set up an army to establish their interest : I would have care taken for the future, that no army be raised for a cabal-interest. A Gentleman said the last session, that this war was made rather for the army, than the army for the war. *This government, with a standing army, can NEVER BE SAFE : We cannot be secure in this house ; and some of us may have our heads taken off* †."

Patriots harangued in vain—the Commons voted the Keeping up the army illegal and a grievance—but while they thus did, they openly betrayed a dread of *that army*. "I would not give an alarm to those *who have arms* in their hands," said one member ; "I cannot but observe that the House of
" Commons

* Johnson's Works, p. 312.

† Grey's Debates, 2 vol. p. 219—393.

" Commons is now in fear of the army," said another *. Plain as it was for what end the army was kept up, the people slumbered.

The exigencies of the times called for something more than votes and *paper-resolutions*. What was the consequence of this national cowardice and inactivity? " England saw herself engaged in the expence of " 600,000 Pounds sterling, to pay an army and fleet, " which *certainly* (says Rapin) had not been prepared " *to make war with France, OR FOR THE SECURITY* " *OF ENGLAND.*"—Spirited resolves may please the ear; senatorial eloquence may charm the eye, but these are not the weapons with which to combat standing armies: these were not those, which freed this Capital from stationed regiments;—they are not those, which will ultimately——But I forbear: time will unfold, what I may not foretel.

The British Court, never destitute of plausibilities to deceive, or inventions to enthrall the nation, appropriated monies, raised by Parliament for the purpose of disbanding the army, to their continuance †, and uniformly pursued similar measures, till in the year 1684, " the King in order to make his " people sensible of their *new slavery*, affected to " muster his troops, which amounted to 4000 well- " armed and disciplined ‡." If Rapin denominated so small an armament, *the slavery of the subject* under Charles the II^d— what would he call the state of Britons under George the third? With 4000 troops, the kingdom it seems, was reduced to servitude: but the spirit of the nation soon after rose.

* 7 Grey's Debates in Parl. p. 71, 2, 3.

† See King's Speech, October 1678.

‡ Rapin.

rose. In 1685, complaint was made in Parliament, "that the country was weary of the oppression, and plunder of the soldiers;" "the army (it was said) debauched the manners of *all the people*, their wives, daughters and servants*." The grievance became intolerable—and what was happy, it was not too mighty for opposition. James the second, had only 14 or 15,000 troops, —and no riot act. The barbarities of a Kirk, and the campaign of a Jefferies, could not pass with impunity. THE REVOLUTION succeeded, and James abdicated his throne. —Such was the fate of one, who vainly affected to play the despot with about fifteen regiments: had he been encircled with an hundred, no doubt, he had reigned an applauded tyrant—flattered in his day, with that lying appellation—"the wisest and the best of Kings†."

The army of the present King of Great Britain is larger than that with which Alexander subdued

* 8 Vol. Grey's Debates 365, 6.

† Patriæ Patri, *Regum optimo*, was part of an inscription on the marble statue erected to Charles the second, as worthless and odious a Prince as any in the history of England. See Rapin 734. Fol. Edit.—Even Richard (the third) generally represented, both as a monster in person and disposition, hath however had panegyrist who affirm, that he was remarkably genteel, and *the best of Kings*. See Barrington's Obs. on the more ancient statutes. p. 392, 3.

Thus that insolent tyrant, Hen. VIII. who disgraced his species by repeated violations of his most solemn vows, and the practice of open debauchery and riot; a despot, who, lost to the common feelings of humanity, made his laws more bloody than those of Draco or Dionysius, and caused a greater number of executions, than any other King of England, is characterized on the Journals of the House of Lords, as a *Prince of wonderful goodness and wisdom*. See the same observations 461, 2, and 472. Surely He who call REIGNING MONARCHS "*the wisest and best of Kings*," ought always to be suspected of burlesque and sarcasm, or something worse.

duced the East, or Cæsar conquered Gaul. “ If the
 “ army we now keep up (said Sir John Phillips thirty
 “ years ago in the House of Commons) should once
 “ be as much attached to the Crown as Julius Cæ-
 “ sar’s army was to him, I should be glad to know
 “ where we could find a force superior to that
 “ army*.” Is there no such attachment now existing†?
 Surely the liberties of England, if not held at will,
 are holden by a very precarious tenure.

The supreme power is ever possessed by those
 who have arms in their hands, and are disciplined
 to the use of them. When the Archives conscious
 of a good title disputed with Lyfander about bound-
 aries, the Lacedemonian shewed *his sword*, and
 vauntingly cried out, “ he that is *master of this* can
 “ best plead about boundaries ‡.” The Marmo-
 tines of Messina declined appearance at the tri-
 bunal of Pompey, to acknowledge his jurisdiction,
 alledging in excuse, *ancient privileges, granted them*
by the Romans.— “ Will you never have done (ex-
 “ claimed Pompey) with *citing laws and privileges*
 “ *to men who wear swords* §.” What boundaries
 will they set to their passions, who have no li-
 mits to their power? Unlimited oppression and
 wantonness, are the never-failing attendants of un-
 bounded

* See 2 Vol. Debates in the House of Commons, p. 56, 7, 8.

† By a numerous army and a severe riot act, you may indeed pre-
 vent mobs and riots among the people; but if this method be
 pursued for a long time, *you will make your ministers tyrants, and*
your people slaves. Sir John Barnard’s speech in the British House
 of Commons, 1744. 2 vol. Debat. p. 118. Qu. If this method
 hath not been thus pursued? and Qu. Whether the prophecy is
 fulfilling, or already accomplished in Great-Britain?

‡ Plu. Life of Lyfander.

§ Plu. Life of Pompey.

bounded authority. Such power, a veteran army always acquire, and being able to riot in mischief with impunity, they always do it with licentiousness.

Regular soldiers, embodied for the purpose of originating oppression, or extending dominion, ever compass the controul of the Magistrate. The same force which preserves a despotism immutable, may change the despot every day. Power is soon felt by those who possess it, and they who can command will never servilely obey. The leaders of the army, having become masters of the person of their Sovereign, degrade or exalt him at will*. Obvious as these truths may seem, and confirmed as they are by all history†, yet a weak or wicked Prince is easily persuaded, by the creatures who surround him, to act the tyrant. A character so odious to subjects, must necessarily be timid and jealous. Afraid of the wise and good, he must support his dignity by the assistance of the worthless and wicked. Standing armies are therefore raised by the infatuated Prince. No sooner established, than the defenceless multitude are their first prey. Mere power is wanton and cruel: the army grow licentious, and the people grow desperate. Dreadful alternative to the infatuated monarch! In constant jeopardy of losing the *regalia* of empire, till the caprice of an armed Banditti degrade him

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from

* Whoever uses a mercenary army (says the great Lord Chancellor Bacon) tho' he may spread his feathers for a time, he will mew them soon after; and *raise them with what design you please*, yet, like the *West-India* dogs, in *Boccaline*, in a little time, they will certainly turn *sheep-biters*.

† See Dr. Sullivan's lectures on the laws of England, p. 56.

from sovereignty*, or the enraged people wreak an indiscriminate and righteous vengeance. Alas! when will Kings learn wisdom, and mighty men have understanding?

A further review of the progress of armies in our parent-state, will be an useful, tho' not a pleasant employ. No particular reason or occasion was so much as suggested in the bill which passed the Parliament in 1717, for keeping on foot a standing army of 30,000 men *in time of peace*: (a number since amazingly increased.) An act justly recorded in the Lord's Journal, to be *a precedent* for keeping the same army *at all times*, and which the protest of that day foretold "MUST INEVITABLY *subvert the* " *ancient constitution of the realm*, and subject the " *subjects to arbitrary power*†." To borrow the pointed turn of a modern orator—— what was once *prophecy*, is now *history*.

The powers given by the mutiny act, which is now constantly passed every year, was repeatedly in former times "opposed and condemned by " Parliament, as repugnant to MAGNA-CHARTA, " and inconsistent with the fundamental rights " and liberties of a free people‡." In this statute, no provision is made for securing the obedience of the military to the civil power, on which the preservation of our constitution depends. A great number of armed men governed by martial

* Sir Robert Atkins (afterwards Lord Chief Justice of the Common Pleas in England) said in Parliament, (anno 1667)— "Six " Emperors in five years had their heads tumbled down by a " military government." Grey's debates in Parl. 1 vol. p. 23.

† See Lord's Protest. 273. vol. 3.

‡ See same Book, p. 279.

tial law*, having it in their power, are naturally inclined not only to disobey, but to insult the civil Magistrate†: The experience of what hath happened in England, as well as the memorials of all ages and nations have made it sufficiently apparent, that where-ever an *effectual provision* is not made to secure the obedience of soldiers to the laws of their country, the military hath constantly subverted and swallowed up the civil power.—What provision of this kind, can the several Continental legislatures make against British troops stationed in the Colonies? Nay, if the virtue of one branch of government attempted the salutary measure, would the first branch ever give it's consent? A Governor must—he will obey his master: the alternative is obvious. The armies quartered among us *must be removed*, or they will in the end overturn and trample on all that we ought to hold valuable and sacred.

We have authority to affirm, that the regular forces of Great-Britain consist of a greater number than are necessary for the guard of the King's person and the defence of government, and therefore dangerous to the constitution of the kingdom. What then do these armaments, when established *here*, threaten to our laws and liberties? Well might the illustrious members of the house of Peers, in 1722, hold forth the danger of “*a total*” alteration of the frame of our constitution from “*a legal and limited monarchy to a despotic;*”
and

* A law unknown to our constitution, destructive of our liberties, *not indured by our ancestors*, and never mentioned in any of our statutes, but in order to condemn it, 2 vol. Lord's Prot. 283.

† Very notable instances of this have been seen in this Province—which will be recorded to the eternal infamy of those who brooked the insult.

and declare, they were “ induced to be of this judgment, as well from the nature of armies, and the inconsistency of great military power and martial law with civil authority, as from the known and *universal* experience of other countries in Europe, which, *by the influence and power of standing armies, in time of peace, have from limited monarchies, like ours, been changed into absolute* *.” The taxes necessary to maintain a standing army, drain and impoverish the land. Thus exhausted by tribute, the people gradually become spiritless, and fall an easy sacrifice to the reigning power.

Spirits, like Britons, naturally fierce and independent, are not easily awed or suddenly vanquished by the sword. Hence, *an augmentation* of forces hath been pushed, when there was no design of bringing them into action against Englishmen in an *open field*. New forces have oftener than once been raised in England, more for *civil* than *military* service; and as elections for a new parliament have approached, this door has been opened to introduce a large body of *commissioned Pensioners* †. What hath been the consequence? A constant majority of placemen meeting under the name of a Parliament, to *establish* grievances instead of *redressing* them—to approve implicitly the measures of a court without information—to support and screen ministers whom they ought to controul or punish—to grant money without right, and expend it without discretion? Have these been the baneful consequences? Are these solemn truths? Alas! we tremble to think:— but we may venture to say, that when this is true of that legislative authority,

* See 1 vol. Lord's Prot. 377, 8.

† See 2 vol. Lord's Prot. p. 162.

rity, which not only claims, (but *exercises*)—“ full
 “ power and authority to make laws and statutes
 “ to bind the colonies and people of America IN
 “ ALL CASES whatsoever * ;”—the FORMS of our con-
 stitution, creating a *fatal delusion*, will become our
 greatest grievance.

The FORMALITIES of a free, and the ends of a
 despotic state, have often subsisted together. Thus
 deceived was the Republic of Rome:—Officers
 and Magistrates retained their old names:—the
 FORMS of the ancient government being kept up,
 the fundamental laws of the Commonwealth were
 violated with impunity, and its once free constitu-
 tion utterly annihilated †. He who gave Augustus
 Cæsar the advice “ that to the officers of state the
 “ same names, pomp and ornaments, should be con-
 “ tinued, *with all the appearances of authority, with-*
 “ *out the power ‡,*” discovered an intimate acquaint-
 ance with mankind. The advice was followed,
 and Cæsar soon became Senate, magistracy, and
 laws. Is not Britain to America, what Cæsar was
 to Rome?

It is curious to observe the various acts of im-
 position, which are alternately practised by the
 great

* See the declarative act of the British Parliament, Anno 1766.
 “ From Sir Robert Walpole’s day to the present time (1762)
 “ has proved a very remarkable period in the history of the
 “ British constitution:—*No one instance can be produced in which*
 “ *the royal business has been retarded, through the scrupulousness*
 “ *of the people’s representatives.*” Political essays concerning
 the present state of the British Empire. From the revolution
 to this day (1762) the *measures of the crown* have UNIVER-
 SALLY been the *measures of Parliament*. Ib. p. 46,

† See hereafter.

‡ Eadem Magistratum vocabula, sua consulibus, sua prætoribus
 species.

great and subtle of this world, on their subordinate and simple-minded brethren. Are a people *free*, *new* oppressions are introduced, or shrouded under *old names*;—are they in *present bondage*, and begin to grow turbulent; *new* appellations must be adopted to disguise *old burdens*. A notable instance of this latter kind we find in the Parliament of Great-Britain, (in 36 Edw. III. ch. 2.) upwards of four hundred years ago. The royal prerogative, called *purveyance*, having been in vain regulated by many preceding statutes, still continued so intolerably grievous, that fresh murmurs and complaints called for a more adequate, or better adapted provision. The British legislature, for this valuable purpose, therefore passed this very remarkable law; which by way of remedy, enacted as follows, viz.——“That the *hateful* NAME of *purveyor*, shall be changed into that of *Acator*.” Thus the nation were to be made to believe, that the oppression ceased, because *the name was altered*.——For the honour of government, as well as mankind, it is devoutly to be wished, that our laws and history contained no other record of such disgraceful practices.——If any late acts of the British parliament carry strong marks of a similar policy, it is surely, not altogether unworthy the consideration of the members of that august body;——how far, such disingenuous practices are consistent with the honour of their private characters, or the dignity of their public station.

The magic of sounds and appellations hath not ceased, and they work as much deception and abuse as ever. What valuable purpose does a *wholly subordinate* legislative serve, (except to amuse with the *shadow*, while the *substance* is departed) if

a remote state may legislate for and bind us “*in all cases?*” To what end doth an American house of Representatives go through *the forms* of granting away monies, if another power, full as familiar with our pockets, may annihilate all they do; and afterwards, with a modern dexterity, take possession of our purses without ceremony, and dispose of the contents without modesty;—without controul, and without account *?

It is curious and instructive to attend the course of debate in the British Commons, for keeping up the army. At first even the highest courtiers would argue—that a standing army, *in time of peace*, was never attempted†: Soon after, the Court-speakers urged for continuance of a numerous army for *one year* longer. At the end of several years after, the Gentlemen throw aside the mask, and boldly declare such a number of troops *must always be kept up*. In short, the army must be continued till it be-

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comes

* If the King could at pleasure levy the necessary sums of money (for the expences of government, &c.) he being sole Judge of the necessity, both as to measure and quantity, as Charles the first claimed, in case of ship-money, the state of the subjects would be precarious, and *the king would be as absolute a monarch as the present king of France or Spain*. Dr. Sullivan’s lectures on the laws of England, 189. What is it to America, whether *the King* or *the Parliament* of Great-Britain, or any other body natural or political, *is absolute master over her*,—and where is the difference between French, Spanish, and English Dragoon-ing?—In the reign of Charles the 2d, *a wooden shoe*, such as the Peasants wear in France, was laid near the chair of the Speaker of the Commons-House:—the arms of *England* drawn at one end of it, and those of *France* at the other, with these words in the interval, *utrum horum major accipe*, 2 Grey’s debates, 223.

† See Sir Robert Carr’s Harangue in Parliament: 1673. Grey’s debates, 2 vol. 220.

comes part of the constitution, and in later times members of the house have ventured to harangue for measures, none would have dared to list a few years before. The wise foresaw this, and the honest foretold it. "If we continue the army but a little while longer (said a celebrated member upwards of forty years ago,) it may be in the power of some Gentlemen to talk in this house * in terms that will be no way agreeable to the constitution or liberties of our country. To tell us, that the same number of forces must be always kept up, is a proposition full-fraught with innumerable evils, and more particularly with this, *that it may make wicked ministers more audacious than otherwise they would be, in projecting and propagating schemes which may be inconsistent with the liberties, destructive of the trade, and burthensome on the people of this nation.* In countries governed by standing armies, the inclinations of the people are but little minded, the ministers place their security in the army, the humours of the army they only consult, with them they divide the spoils, and *the wretched people are plundered by both.*"—Who that now re-considers this prophetic language, in conjunction with the events of his own time, but will cry out—the speaker felt the impulse of inspiration!

"Whoever (says the justly celebrated Dr. Blackstone) will attentively consider the English history may observe, that the flagrant abuse of *any power*, by the crown or it's ministers, has always been productive of a struggle, which either dis-

" covers

* Commons of Great-Britain.

“ covers the exercise of that power to be contrary
 “ to law, or (if legal) restrains it for the future.*”

The ingenious commentator seems here to have particular reference to periods prior to the revolution. But will the learned judge say, that, since that æra there have been *no flagrant abuses of power by the crown or its ministers?* Have not repeated struggles arose in consequence of such abuses, which did not terminate in the happy issue so characteristic of Englishmen? Let any one peruse the journals of parliament, especially those of the house of peers: let him carefully review the British and American annals, of the present century, and answer truly to those questions.—The natural enquiry will be—whence then is it—that such abuses have become so numerous and flagrant, and the struggles of Britons so unsuccessful? Will not the question receive an ample solution in the words of the same great lawyer?—“ There is a newly
 “ acquired branch of (royal) power; and that not
 “ *the influence only*, but THE FORCE OF A DISCIPLINED ARMY, paid indeed ultimately by the
 “ people, but *immediately by the crown; raised by*
 “ *the crown, officered by the crown, commanded by the*
 “ *crown.*†”

We are told, by the same learned author, that
 “ whenever the unconstitutional oppressions, even
 “ of the SOVEREIGN POWER, advance with gigantic strides and threaten desolation to a state,
 “ mankind will not be *reasoned* out of the *feelings*
 “ of humanity, nor will sacrifice their liberty by
 “ a scrupulous adherence to those political maxims,

I 2

“ which

* 3 Bla. Com. 135. † 1 Bla. Com. 336, 7.

“ which were established to preserve it. *”—But those who *cannot be reasoned* out of their feelings, are easily repressed by *the terror of arms* from giving tokens of their sensibility ; and states antient and modern—(yes Britain will bear me witness !)—who would disdain to *sacrifice* their freedom to *political institutions*, have tremblingly stood aloof, while it was dragged to the altar under the banners of a royal army.

The policy and refinements of men clothed with authority, often deceive those who are subject to it's controul ; and thus a people are often induced to wave their rights, and relinquish the barriers of their safety. The fraud, however, must at last be discovered, and the nation will resume their antient liberties, if there be no force sufficient to screen the usurper, and defend his domination. *The sword* alone, is sufficient to subdue that spirit which compels rulers to their duty, and tyrants to their senses. Hence, then, though a numerous standing army may not be absolutely requisite to depress a kingdom into servitude, they are indispensably necessary to confirm an usurpation.

A large army and revenue, are not easily and at once forced upon a free people. By slow degrees and plausible pretences, as we have seen in England, the end is accomplished. But when once a numerous body of revenue and military men, entirely dependent on the crown, are incorporated, they are regardless of any thing but it's will : And where *that will* centers, and what such power can effect, is a matter of no doubtful disputation.

The

* 1 Blac. Com. 245.

The *present* army of a prince is always composed of men of honour and integrity, as the *reigning monarch* is ever *the best of kings*. In such an army, it is said, you may trust your liberties with safety: in such a king you may put your confidence without reserve:—the good man has not a wish beyond the happiness of his subjects! Yet let it be remembered, that under *the best of kings*, we ought to seize the fleeting opportunity, and provide against *the worst*. But admitting that from this rare character—a wise and good monarch—a nation have nothing to fear;—yet they have every thing to dread from those who would clothe him with authority, and invest him with powers incompatible with all political freedom and social security*. France, Spain, Denmark, and Sweden, in modern times, have felt the baneful effects of this fatal policy. Though the latter states are said to have this excellent institution, that the commissions to their military officers all run *quamdiu se bene gesserint*: a regulation which ought to be the tenure of all offices of public trust, and may be of singular utility in states, which have incorporated a standing army as part of the constitution of government.

An invasion and conquest by mere strangers and foreigners, are neither so formidable nor disgraceful, as the establishment of a standing army under colour

* Galba had *the greatest integrity of heart*: but in the court of Galba appeared all the extortion of Nero's reign:—and as the rapacity and other excesses of his ministers were imputed to him, Galba was no less hated, than if he had committed them himself. Plut. life of Galba.---See also to the same point, Gord. Disc. on Tacitus, 3 vol. 19, 35, 38, 79. A Monarch justly dignified with the appellation—"of the wisest and best of kings"—will surely receive some advantage, by attentively contemplating an instance so replete with instruction.

lour of the municipal law of the land. Thus *Roman armies* were more terrible to the *Roman colonies*, than an "enemy's army*." Valor has scope for action against an open enemy, but the most-precious liberties of a kingdom are massacred in cold blood by the disciplined Janizaries of the state, and there is little hope of a general resistance. The natural inherent right of the conquered is to throw off the yoke, as soon as they are able; but subjects enslaved by the military forces of their own sovereign, become spiritless and despondent; and scaffolds and axes, the gibbet and the halter, too often terrify them from those noble exertions, which would end in their deliverance by a glorious victory, or an illustrious death.

Yet *in full peace*, without any just apprehensions of insurrections at home, or invasions from abroad, it was the mischievous policy of the English ministry, in 1717, to procure an allowance of near double the forces to what had ever before been established by the sanction of parliament in times of public tranquillity. Well might many of the nobility of Britain conceive, that as so many forces were no ways necessary to support, they had reason to fear danger to the constitution, which was never entirely subverted but by a standing army†. The English military bands have since been much augmented;—and whether this disgraceful subversion has already taken place, or is still verging to its accomplishment, may be resolved, after a further inspection into memorials of the present age.

More

* See Gordon's Disc. on Sallust, 6. ff. 3. p. 128.

† 1 vol. Lord's Prot. 282.

More than half a century since, ~~the~~ discerning members of the house of Lords discovered the tendency of these extraordinary armaments to be no other than *to overthrow the civil power of the kingdom, and to turn it into a military government**. A very short period after this, many of the same noble house, bore open testimony, that they were “just-ly jealous from the experience of former times, that *the crown itself*, as well as *the liberties of the people* might be found at the disposal of a standing army at home†.”

But as if one standing army was not enough to ruin a nation of *Englishmen*, a new kind of forces was raised against the Common-wealth. The officers employed in the customs, excise, other branches of the revenue, and other parts of public service, compose in effect A SECOND STANDING ARMY in *England*, and in some respects are more dangerous, than that body of men properly so called. The influence which this order have in the elections of members to serve in parliament, hath been too often felt in Great-Britain to be denied. And we have good authority to say, “that examples are not hard to find, where the military forces have withdrawn to create an appearance of a free election, and the *standing civil forces of this kind have been sent to take that freedom away*‡.”—Is a house of commons thus chosen, the representative of the people,—or of the administration,—or of a single minister §?

As

* See 1 vol. Lord's Prot. 315. Anno 1721.

† See 2 vol. Lord's Prot. 80.

‡ See 2 vol. Lord's Prot. 83.

§ See same Book and page, the Reader is desired to read again p. 56, and the note at p. 57. See also hereafter p. 68.

As Lewis, the xith of France, was the first monarch in Europe who reduced corruption to a system, so the æra of its establishment in England may be fixed at the reign of Charles the second. Britain then, for the first time, saw CORRUPTION, like a destroying angel, walking at noon-day.—Charles pensioned his Parliament, and by it extinguished not only the spirit of freedom, but the sentiments of honour and the feelings of shame. Since the age of Charles, the science of bribery and corruption hath made amazing progress. Patriots of the last century told their countrymen what it threatened—the Worthies of this day ought rather to tell what hath been effected.

Near fifty years ago, there were more than two hundred persons holding offices or employments under the crown in the house of commons*. Since that time this body like the military (and for the same purposes) have received very notable additions.—Is it to be wondered, then, as we verge nearer to our own times, we should hear the most august assembly in the kingdom declaring to the whole world, that “the influence of the crown is *almost irresistible*, being already overgrown and yet *increasing* †.”—that “*the most valuable rights of the nation are subverted by arbitrary and illegal proceedings* ‡.”—that “*a flagrant usurpation*” (is made upon the subject) “*as highly repugnant to every principle of the constitution*, AS THE CLAIM OF SHIP-MONEY BY KING CHARLES THE FIRST, or *that of the dispensing power by king James the second?*”

* See Lord's Prot. p. 66, Anno 1729.

† See Lord's Prot. 8 Feb. 1760. Sup. to Lord's Prot. p. 9.

‡ See same Book, p. 12. Jan. 1770.

“ *cond** ?” Finally, considering all that we have seen in the course of our review, could any thing else be expected, than what forty of the house of Lords openly protest they “ have seen with great “ uneasiness,—a *plan* for a *long time* SYSTEMATICALLY “ *carried on*, FOR LOWERING ALL THE CONSTITUTIONAL POWERS OF THE KINGDOM, rendering the “ house of Commons odious, and the house of Peers “ contemptible † ?”

Here let us pause (my fellow citizens) and consider:—hath the execrable plan thus *systematically and for a long time* pursued, at last *taken effect*? Are *all the constitutional powers* of Great-Britain so *lowered* in the estimation of the people, that *their representatives are detested, and their nobility despised*? is their King possessed of power sufficient to make fear a substitute for love? has he *an army at his absolute command*, with which no force in his empire is able to cope?—judge ye, my countrymen, of these questions, upon which I may not decide:—judge for yourselves, of the political state of that kingdom, which claims a right of disposing of OUR ALL;—a right of laying every burden that power can impose ‡;—a right of over-running our soil and freeholds with mercenary legions, and still more mercenary placemen and dependants. Thus luxury and riot, debauchery and havock are

K to

* Same book, p. 22, 3. Feb. 1770.

† See supplement to Lord's Prot. p. 29. Anno 1770.

‡ “ It will be *proper* to lay on the Americans EVERY BUR-
“ THEN which the hand of power can impose, if they should
“ attempt to become manufacturers.” Conduct of Administration
examined, 1767, p. 62.---THUS Americans are to be treated for
an attempt only to do, what is their duty as soon as possible to
effect, and what no Power on earth can restrain, without violating
the laws of God and nature.

to become the order and peace of our cities, and the stability and honour of our times. To this and like hopeful purposes—we find “the fullest directions sent to the several officers of the revenue, that all the produce of the American duties, arising or to arise, by virtue of any *British* act of Parliament, should from time to time be paid to the deputy pay-master in America to defray the subsistence of the troops, and any military expences incurred in the Colonies*.” Highly favoured Americans! you are to be wasted with taxes and impositions, in order to satisfy the charges of those armaments which are to blast your country with the most terrible of all evils—*universal corruption, and a military government* †.

The reigns of past and present great monarchs when compared, often present a striking similitude. The Emperor Charles the Fifth, having exalted the royal prerogative (or *the influence of the crown*) on the ruins of the privileges of the Castilians, allowed the name of the Cortes (or the Parliament)

* 2 vol. Lord's Prot. p. 291, 1766, by the Lords who entered their Protest against the repeal of the American Stamp-act.

† Englishmen in the reign of Henry the 4th had the virtue and courage to “declare it in Parliament as the *undoubted* right of the Kingdom, not to be charged *with aught*, for the defence of the realm, or safeguard of the seas, *but by their own will and consent in Parliament.*” The rights of the kingdom, p. 146, edit. 1682. Had Britons in the reign of Geo. 3d been as considerate of the spirit of their laws and constitution, or attentive to that old rule—to do as you would be done by—they would not have charged America with a large revenue for “*the subsistence of troops and military expences*”, without consulting *its local Parliaments*, and against the will of *its Commons*; more especially since it was the position of that able, though most arbitrary prince, Edward the First of England, touching martial affairs—*Quod omnes tangit, ab omnibus approbetur.*

liament) to remain; and the *formality** of holding it thus continued, he reduced its authority and jurisdiction to nothing, and modelled it in such a manner, that *it became* (says Dr. Robertson) *rather a junto of the servants of the crown, than an assembly of the representatives of the people*†. The success of Charles in abolishing the privileges of the commons, and in breaking the power of the nobles of Castile, encouraged an invasion of the liberties of Arragon, which were yet more extensive.

Attend, *Americans!* reflect on the situation of your mother country, and consider the late conduct of your Brethren in Britain towards this Continent. “The Castilians (once high spirited and “brave in the cause of freedom) *accustomed to subjection themselves*, ASSISTED (says the same illustrious historian) IN IMPOSING THE YOKE ON “*their more happy and independent neighbours*‡.”—Hath not Britain (*fallen from her pristine freedom and glory*) treated America as Castile did Arragon? have not Britons imposed on our necks the same yoke, which the Castilians imposed on the happy Arragonese? Yes!—I speak it with grief—I speak it with anguish—Britons are our oppressors:—I speak it with shame—I speak it with indignation—“WE ARE “SLAVES.”

As force first fixes the chains of vassalage, so cowardice restrains an enslaved people from bursting in sunder their bands. But the case perhaps is not desperate, till the yoke has been so
K 2 long

* See before p. 56, 7. 65.

† 3 vol. hist. of Charles 5, p. 434. See also before p. 56, 7. And the note there—and also p. 65.

‡ Hist. Charles 5, 3 vol. p. 434.

long borne, that the understanding and the spirits of the people are sunk into ignorance and barbarism, supineness and perfect inactivity. Such, I yet trust, is not the deplorable state of the land of my nativity. How soon may it be! we shall tremble, when we reflect that the progress of thralldom is secret, and its effects incredibly rapid and dreadful*. Hence we see nations, once the freest and most high-spirited in Europe, abject in the most humiliating condition. The Arragonese oath of allegiance to their king exhibits the true standard of all just subjection to government, and testifies a genuine sense and spirit. "We, who are each of us as good, and *who are altogether more powerful than you, promise obedience to your government, IF YOU MAINTAIN OUR RIGHTS AND LIBERTIES; IF NOT, NOT†.*" When a people, endowed with such understanding, sentiments, and virtue have fallen into a disgraceful vassalage—what have we in this land, *at this time*, reason to fear?—The same *Athenians* who insulted and bid defiance to a Philip of Macedon, crouched and cowed at the feet of an Alexander. ROMANS, who with righteous indignation expelled royalty and the Tarquins, bore with infamy and shame the ravages of succeeding kings and emperors. ENGLISHMEN, who rose with a divine enthusiasm against *the first* Charles, disgracefully submitted to the usurpation of a Cromwell, and then, with unexampled folly and madness restored that odious and execrable race of tyrants, the house of Stewart. Examples, like these, ought to excite the

* The loss of liberty (says that sagacious politician Tacitus) is *ever* accompanied with the loss of spirit and magnanimity.

† Dr. Robertson's hist. Charles 5, 1 vol. 153. Vita Agric.

the deepest concern ;—*at this day*, they ought to do more—to inspire fortitude and action.

Providence from the beginning, hath exercised this country with singular trials. In the earliest periods of our history, New-England is seen surrounded with adversaries, and alternately vexed with foes foreign and domestic. Fierce as her enemies were from abroad, and savage as the Natives of America were within, — her worst enemies will be found those of her own household.—

Our fathers “ left their native country with *the strongest assurance* that they and *their posterity* should enjoy the privileges of *free natural born English subjects*. * ” Depending upon these assurances, they sustained hardships scarcely paralleled in the annals of the world †, yet compassion natural to the human breast, did not restrain *internal* foes from involving them in new calamities, nor did that disgrace and contempt which suddenly fell upon the conspirators, damp the ardour of their malignity.

So early as 1633, (not fourteen years after the first arrival at Plymouth) “ the new settlers were in perils *from their own countrymen* ‡.” In this, the infant state of the country, while exposed to innumerable hardships, vexed with hostilities from Europe, and the depredations of savages, there existed men, who “ beheld the Massachusetts with an *envious eye* : || ” The characteristics of the first conspirators against this province, were *secrecy and industry* : they had effected

* See Hutch. hist. i vol. Pref. p. 4.

† See same hist. p. 19, 45. Appendix p. 538.

‡ Same hist. p. 31.

|| Ib. p. 31.

effected the mischief, before *the people* knew of their danger. Morton in his letter to Jefferies of the first of May 1634, writes, that "the Massachusetts patent by an order of Council was brought in view and the privileges well scanned *." But by whom? Very like some of more modern fame: An arch-bishop, and the privy council of Charles the first! Excellent essay-masters, for New-England privileges, — most renowned judges of the rights and liberties of mankind! — They first discover the Charter—"to be void †," and then no doubt advise to the issuing of the commission found by my Lord Barrington in the 31st vol. of Mr. Petyt's Manuscript, "a commission directed to the archbishop of Canterbury, the Lord chancellor, and other Lords of the privy council, by which they are impowered to prepare laws, for *the better government of the Colonies*," "which were afterwards to be enforced by THE KING'S PROCLAMATION ‡."

This was considered as a master-stroke of policy, and the public conspirators of the day display'd the plumage of triumph, with that spirit and ostentation || which have descended to their successors. But how easy is it, with Providence, to disappoint the projects, and humble the pride of man! Laud and his master, in the subsequent periods of history, are found too busied with their own concerns, to attend much to those of others. Hence, this extraordinary Commission was never executed, and the plan set on foot within three years after, "for revoking the patent of the Massachusetts, §" proved

* 1 Hutch, p. 31.

† Same page.

‡ Barr. observations on the more ancient Statutes, p. 146, note.

|| See Morton's Letter before cited.

§ 1 Hutch. hist. p. 48 & 51.

proved abortive. Literary correspondences inimical to the Province, commenced with Archbishop Laud *, in 1638 †. But in the pious language of our fathers, "the LORD delivered them from the oppressor ‡," "against all men's expectations" they were encouraged, and much blame and disgrace fell upon their adversaries §." Yet notwithstanding, "a spirit full of malignity against the country (not very long after) much endangered both it's civil and religious liberties §."

More than a century ago, "the great privileges of New-England were matter of envy ¶," and accordingly complaints multiplied to Cromwell (a), no doubt for the benevolent purpose of *abridging* (what were called) *English Liberties*. "All attempts to the prejudice of the colony being to no purpose (b)" with the Protector, the adversaries of the province were despondent, until the restoration of Charles the 2d gave new hopes; when petitions and complaints were preferred against the Colony, to the king in council, and to the Parliament (c)."

"False

* Laud was the favourite character, selected for a correspondent, by the American letter-writers of the last century; in the next age mankind will be as well acquainted with the genius and spirit of some more modern British correspondents, as they now are with the temper of that renowned prelate.

† 1 Hutch. hist. p. 86.

‡ Morton's Mem. p. 15.

§ Same book 35. See also Collection of original Papers, &c.

p. 52.

§ Morton's Memo. 96, 187.

¶ Hutch. hist. 194.

(a) Ib. 192, 194.

(b) Ib. 194.

(c) Ib. 211.

“ False friends and open enemies ” now became the terror of the country *, while new foes brought new charges to render it obnoxious. † “ The “ *great men and natives of the country*, made their “ complaints also to the king ‡.”——The consequences were such as might be expected. “ Four “ persons were sent over from England, *one of them* “ *the known and professed enemy of the country*, with “ such extraordinary powers, (that our ancestors “ with grief complain) they were to be subjected “ to the *arbitrary power of strangers*, proceeding not “ by any established law, but their own discretion §.”——How astonishingly uniform, how cruelly consistent has been the conduct of Britain from that day to the present ?

Amidst all these severe trials, the inhabitants of New-England, conducted themselves with a virtue and piety worthy remembrance and imitation. “ They “ appealed to GOD, they came not into this wilderness to seek great things for themselves, but for “ the sake of a poor and quiet life,”——they testified to their Sovereign that “ *their liberties were* “ *dearer to them than their lives* ||.” “ Evil-minded “ men continue (however) to misrepresent them,” (a) and what is almost incredible, “ the distressed of “ the Colony, during a war, which excited compassion in some, yet these very distressed were “ improved by others to render the Colony more “ obnoxious (b).”

Although

* Hutch. hist. p. 220.

† Ib. 224,5.

‡ Appen. Hutch. hist. No. 15.

Another *native of New-England*, about the year 1705, wrote to England, that “ this country would never be worth living in “ for Lawyers, and Gentlemen, *until the CHARTER was taken* “ *away.*”

§ Hutch. hist. 232.

|| Ib. 232,3. Appen. No. 16. p. 542.

(a) See same hist. 242,3.

(b) Same hist. 308. Anno 1676.

Although "this is certain, that as the Colony
" was at first settled, so it was preserved from ruin,
" without any charge to the mother country * ;"
yet " in the height of the distress of war, and
" whilst the authority of the Colony was contend-
" ing with the natives for the possession of the soil ;
" complaints were making in England which
" struck at the powers of government †." With
what ferocity have Americans been pursued from
the earliest times? That Dæmon of malevolence,
which went forth at the beginning, still spirits up
our adversaries, and persecutes the country with
unabated malice.

“ Randolph, who, the people of New England
“ said, went up and down seeking to devour
“ them ‡,” was the next active emissary against the
province. “ He was incessant and *open* in endea-
“ vouring the alteration of the constitution §. ”
in his open enmity, he appears far less odious
than those who have been equally inimical, and
equally indefatigable to the *same purpose*, with more
cowardice, dissimulation, and hypocrisy. Eight

* Ib. 310. See also in confirmation of the above, same hist.
93—114. 2 vol. 130, 204.

† Ib. 310, 311.

“ The dominion of the crown over this country, before the arrival of our predecessors, was merely ideal. Their removal hither realized that dominion, and has made the country valuable both to the Crown and Nation, *without any cost to either of them from that time to this.* EVEN IN THE MOST DISTRESSED STATE of our Predecessors, *when they expected to be destroyed by a general conspiracy and incursion of the Indian natives,* THEY HAD NO ASSISTANCE FROM THEM.”

The answer of the Council of the Province to Governor Hutchinson's Speech, 25th of Jan. 1773.

† Hutch. hist. p. 319.

§ 1b. 335,6.

voyages were made across the Atlantic in the course of nine years, by this inveterate spirit, with hostile intentions to the government *. Nor will it be surprising to find him thus expose his life upon the ocean, when such services acquired “ new powers †.” Have we not seen in our own day, a similar policy adopted, and the same object operating as a motive to the like execrable conduct? Such has been the strange, though unhappily consistent, conduct of our mother-country, that she has laid temptations, and given rewards and stipends to those, who have slandered and betrayed her own children. Incited probably by the same motive, Cranfield rose up as in league with Randolph, and “ infamously represented the colony as “ rogues and rebels ‡.”

Libels, and conspiracies of this nature, called for the interposition of authority: Express laws were enacted for the prevention of like treasonable practices for the future, and death being deemed the proper punishment for an enemy to his country, traitors to the constitution were to suffer that penalty. Thus a “ *conspiracy to invade the common-wealth, or any treacherous attempt to alter and subvert fundamentally the frame of polity and government, was made a capital offence* ||.” Did our laws now contain a like provision, public conspirators and elevated parricides would tremble for their heads, who do not shudder at the enormity of their crimes. There are characters in society, so devoid of virtue, and endued with ferocity, that nothing but

* Hutch. hist. 329.

† Ib. 329.

‡ Ib. 337.

|| Ib. 442.

See p. 295, 336.

but sanguinary laws can restrain their wickedness. Even the distress and cries of their *native* country excite no compassion: reverence for fathers, and affection for children, cause no reluctance at measures which stain the glorious lineage of their ancestors with infamy, and blast their spreading progeny with oppression:—that emanation from the Deity which creates them intelligents, seems to cease its operation, and the tremendous idea of a GOD and futurity, excites neither repentance nor reformation.

Thus, my countrymen, from the days of Gardiner and Moreton*, Gorges and Mason†, Randolph and Cranfield‡, down to the present day, the inhabitants of this Northern region have constantly been in danger and troubles, from foes open and secret abroad, and in their bosom. Our freedom has been the object of envy, and *to make void the charter of our liberties* the work and labor of an undiminished race of villains. One cabal having failed of success, new conspirators have risen, and what the first could not make “void,” the next “humbly desired to revoke §.” To this purpose, one falsehood after another hath been fabricated and spread abroad, with equal turpitude and equal effrontery. That minute detail which would present actors, now on the stage, is the province of HISTORY:—She, inexorably severe towards the eminently guilty, will delineate their characters with the point of a diamond:—and *thus blazoned in the face of day*, the abhorrence and execrations of mankind will consign them to an infamous immortality.

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So

* Hutch. hist. 31, 2. Anno 1632.

† Ib. 51. Anno 1636.

‡ Ib. 337. And Collect. of orig. papers, &c. p. 477, &c.

§ Ib. 31, 2, 5.

So great has been the credulity of the British Court, from the beginning, or such hath been the activity of false brethren, that no tale inimical to the Northern Colonies, however false or absurd, but what hath found credit with administration, and operated to the prejudice of the Country. Thus it was told, and believed in England, that we were not in earnest in the expedition against Canada at the beginning of this century, and that the country did *every thing in its power to defeat the success of it, and that the misfortune of that attempt ought to be wholly attributed to the northern colonies.* While nothing could be more obvious, than that New-England had exhausted her *youngest* blood and all her treasures in the undertaking; and that every motive of self-preservation, happiness, and safety, must have operated to excite these provinces to the most spirited and persevering measures against Canada*.

The people who are attacked by bad men have a testimony of their merit, as the constitution which is invaded by powerful men hath an evidence of its value. The path of our duty needs no minute delineation:—it lies level to the eye. Let us apply then, like men sensible of its importance, and determined on its fulfilment. The inroads upon our public liberty call for reparation: The wrongs we have sustained call for—justice. That reparation, and that justice, may yet be obtained by union, spirit, and firmness. But to divide and conquer, was the maxim of the Devil in the garden of Eden—and to disunite and enslave, hath been the principle of all *his* votaries from that period

* See Jer. Dummer's Letter to a Noble Lord, Edit. 1712, p. 12, 13, &c.

period to the present. The crimes of the guilty are to them the cords of association, and dread of punishment, the indissoluble bond of union. The combinations of public robbers, ought therefore, to cement patriots and heroes: and as *the former*, plot and conspire to undermine and destroy the common-wealth, *the latter*, ought to form a compact for opposition—a band of vengeance.

What insidious arts, and what detestable practices have been used to deceive, disunite and enslave the good people of this Continent? The mystical appellations of loyalty and allegiance, the venerable names of government and good order, and the sacred ones of piety and public virtue, have been alternately prostituted to that abominable purpose. All the windings and guises, subterfuges and doublings, of which the human soul is susceptible, have been displayed on the occasion. But secrets which were thought impenetrable are no longer hidden; characters deeply disguised are openly revealed: the discovery of gross impostors hath generally preceded but a short time, their utter extirpation.

Be not again, my country-men, “EASILY captivated with the appearances ONLY of wisdom and piety—professions of a regard to liberty and of a strong attachment to the public interest.” * Your fathers have been explicitly charged with this folly, by one of their posterity. Avoid this and all *similar errors*. Be cautious against the deception of appearances. *By their fruits ye shall know them*, was the saying of ONE who perfectly knew the human heart. Judge of affairs which concern *social happiness*, by *facts*:—Judge of man by *his deeds*. For it is very certain, that pious zeal for *days and times*, for
mint

* Hutch: hist. 1 vol. p. 53.

mint and cummin, hath often, been pretended by those who were infidels at bottom; and it is as certain, that *attachment to the dignity of Government, and the King's service*, hath often flowed from the mouths of men, who harboured the darkest machinations against *the true end of the former*, and were destitute of every right principal of loyalty *to the latter*. Hence then, care and circumspection are necessary branches of political duty. And as "it is *much easier* to restrain liberty from running into licentiousness, than power from swelling into tyranny and oppression,*" so much more caution and resistance, are required against the over-bearing of rulers, than the extravagance of the people.

To give no more authority to any order of state, and to place no greater public confidence in any man, than is necessary for the general welfare, may be considered by the people as an important point of policy. But though craft and hypocrisy are prevalent, yet piety and virtue have a real existence: duplicity and political imposture abound, yet benevolence and public spirit are not altogether banished the world. As wolves will appear in sheep's-clothing, so superlative knaves and parricides will assume the vesture of the man of virtue and patriotism.

These things are permitted BY PROVIDENCE, no doubt, for wise and good reasons. Man was created a rational, and was designed for an active being. His faculties of intelligence and force were given him for use. When the wolf, therefore, is found devouring the flock, no hierarchy forbids a seizure of the victim for sacrifice; so also, when dignified

* 2 vol. Lords Prot. p. 141, Anno 1736.

dignified impostors are caught destroying those, whom their arts deceived, and their stations destined them to protect,—the sabre of justice flashes righteousness at the stroke of execution.

Yet be not amused, my Countrymen!—the extirpation of bondage, and the re-establishment of freedom, are not of easy acquisition. The worst passions of the human heart, and the most subtle projects of the human mind, are leagued against you; and principalities and powers have acceded to the combination. Trials and conflicts you must, therefore endure;—hazards and jeopardies—of life and fortune—will attend the struggle. Such is the fate of all noble exertions for public liberty, and social happiness.—Enter not the lists without thought and consideration, lest you arm with timidity, and combat with irresolution. Having engaged in the conflict, let nothing discourage your vigour, or repel your perseverance:—Remember, that submission to the yoke of bondage, is the worst that can befall a people after the most fierce and unsuccessful resistance. What can the misfortune of vanquishment take away, which despotism and rapine would spare? It had been *easy* (said the great law-giver Solon to the Athenians,) * to repress *the advances* of tyranny, and prevent its establishment, *but now it is established and grown to some height, it would be MORE GLORIOUS to demolish it.* But nothing glorious is accomplished, nothing great is attained, nothing valuable is secured, without magnanimity of mind and *devotion of heart to the service.*——BRUTUS-LIKE, therefore, dedicate yourselves at this day to the service of your Country; and henceforth live A LIFE OF LIBERTY AND GLORY.——“ On the ides
“ of

* Plut: Life of Solon.

“ of March” (said the great and good man to his friend Cassius just before the battle of Philippi)
 “ On the ides of March I DEVOTED MY LIFE to my
 “ Country, and since that time, I have lived A LIFE OF
 “ LIBERTY AND GLORY.”

Inspired with public virtue, touched with the wrongs, and indignant at the insults, offered to his Country, the high-spirited Cassius exhibits an heroic example :—“ Resolved as we are,” (replied the hero to his friend) “ resolved as we are, let us march
 “ against the enemy, for *though we should not conquer,*
 “ *we have nothing to fear* *.

SPIRITS and GENII, like these, rose in Rome—and have since adorned Britain : such also will one day make glorious this more *Western world*. AMERICA hath in store her BRUTI and CASSII—her Hampdens and Sydneys—Patriots and Heroes, who will form a BAND OF BROTHERS :—men who will have memories and feelings—courage and swords :— COURAGE, that shall inflame their ardent bosoms, till their hands cleave to their swords—and their SWORDS to their Enemies hearts.

* Plut. Life of Brutus.

F I N I S.

The Author has *felt exquisitely* while writing upon the subjects of his consideration ; and the multitude and perplexity of his private business have denied him sufficient time to revise this publication. Under these circumstances, (and being also several years on this side the meridian of the age of man) there will be found, no doubt, many indiscretions and faults for those of *riper* years and cooler judgment to correct and censure.—The great Lord Chan. Bacon hath told us of *wise legislators* who have made *their law upon the spur of the occasion* :—a good citizen, deeply pricked by *the spur of the times*, is very apt to start with an over-hasty speed.—The only excuse of the writer is ;—that as he at first assumed his pen from the impulses of his *Conscience*, so he now publishes his sentiments from a sense of duty to GOD and his Country.

